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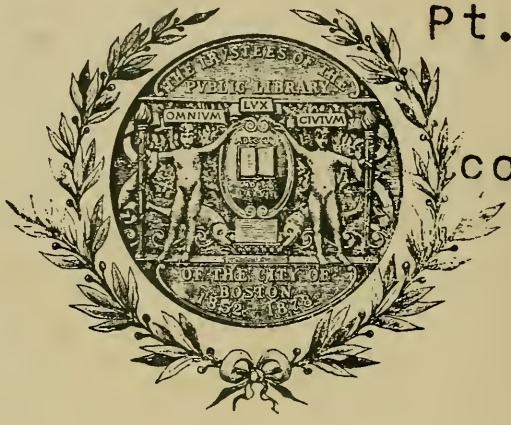

Union Calendar No. 550

87th Congress, 1st Session - - - House Report No. 1282—Part 1

Title Undetermined - Use Front Cover

MANIPULATION OF PUBLIC OPINION BY ORGANIZATIONS UNDER CONCEALED CONTROL OF THE COMMUNIST PARTY

(National Assembly for Democratic Rights and Citizens Committee for Constitutional Liberties)

NOVEMBER 30, 1961.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. WALTER, from the Committee on Un-American Activities, submitted the following

REPORT

[Pursuant to H. Res. 8, 87th Cong., and Public Law 601, 79th Cong.]

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MANIPULATION OF PUBLIC OPINION BY ORGANIZATIONS UNDER CONCEALED CONTROL OF THE COMMUNIST PARTY

(National Assembly for Democratic Rights and Citizens Committee for Constitutional Liberties)

REPORT AND HEARINGS

OF THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH CONGRESS

FIRST SESSION

PART 1

OCTOBER 2, 1961

Printed for the use of the Committee on Un-American Activities

(INDEX IN PART 2)

COMMITTEE ON UN-AMERICAN ACTIVITIES

United States House of Representatives

FRANCIS E. WALTER, Pennsylvania, *Chairman*

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Alfred M. Nittle, *Counsel*
John C. Walsh, *Co-counsel*
Gwenn Lewis, *Administrative Assistant*

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, November 29, 1961.

Mr. SPEAKER,
House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On behalf of the Committee on Un-American Activities, U.S. House of Representatives, I am transmitting herewith a report prepared under authority of House Resolution 8 of the 87th Congress, entitled "Manipulation of Public Opinion by Organizations Under Concealed Control of the Communist Party (National Assembly for Democratic Rights and Citizens Committee for Constitutional Liberties)," parts 1 and 2.

Respectfully,

FRANCIS E. WALTER,
Chairman.

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Public Law 601, 79th Congress

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946]; 60 Stat. 812, which provides:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

Rule X

SEC. 121. STANDING COMMITTEES

* * * * * * *

17. Committee on Un-American Activities, to consist of nine Members.

Rule XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * * * *

Rule XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

Sec. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 87TH CONGRESS

House Resolution 8, January 3, 1961

* * * * * * *

Rule X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * * * *

(r) Committee on Un-American Activities, to consist of nine Members.

* * * * * * *

Rule XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

18. Committee on Un-American Activities.

(a) Un-American activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigation of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designed by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * * * *

27. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

REPORT

MANIPULATION OF PUBLIC OPINION BY ORGANIZATIONS UNDER CONCEALED CONTROL OF THE COMMUNIST PARTY

(National Assembly for Democratic Rights and Citizens Committee for Constitutional Liberties)

The circumstances surrounding the organization of the National Assembly for Democratic Rights indicated Communist involvement, which was confirmed by preliminary committee investigations. Further analysis and study convinced the committee that hearings on the subject would be clearly justified and desirable. Accordingly, the initial public hearings concerning this organization, and its sponsoring and supporting groups, were held on October 2 and 3, 1961, and are being released in two parts.

On the basis of its investigations and hearings to date, the committee concludes that the National Assembly for Democratic Rights and a coordinating and organizing group in support thereof, titled the "Citizens Committee for Constitutional Liberties," are Communist fronts. Created, dominated, and controlled by members and officials of the Communist Party, the National Assembly for Democratic Rights and the Citizens Committee for Constitutional Liberties were organized as propaganda devices for the conduct of "mass activity" in support of the avowed objective of "reversal or nonapplication" of the Supreme Court decisions of June 5, 1961, which upheld the constitutionality of the registration and disclosure provisions of the Internal Security Act of 1950 as applied to the Communist Party, and the Smith Act membership clause making punishable active and purposive membership in the Communist Party.

The National Assembly for Democratic Rights, which met September 23 and 24, 1961, at St. Nicholas Arena in New York City, was timed to take place just prior to the commencement of the October 1961 Term of the Supreme Court. At that term, the Court was to consider the Communist Party petition for rehearing in the case of the *Communist Party, Petitioner* v. *The Subversive Activities Control Board*, which the Supreme Court on June 5, 1961, had decided adversely to the Communist Party. The immediate objective of the meeting was—to borrow the words of Party Chairman Elizabeth Gurley Flynn as reported in the August 1961 issue of Political Affairs—to mobilize a "grass-roots public opinion" to support the argument of the attorneys for a rehearing. The long-range objective of the Citizens Committee for Constitutional Liberties is to serve as the vehicle for concealed Communist participation in, and direction of, propaganda and agitational activities aimed to nullify the Internal Security and Smith Acts.

It is not difficult to understand the basis for Communist opposition to the Internal Security and Smith Acts and, of course, to this com-

mittee, whose studies and findings form a basis for this and other legislation designed to control the Communist conspiracy. The robber resists the policeman, and the wolf fears the shepherd. This program of opposition was reiterated at the last National Convention of the Communist Party, held in December 1959. At that convention, the "Main Political Resolution" was adopted containing a twelve-point program. The first two points dealt with foreign policy. It is significant that the first point of the program for the Communist Party, U.S.A., included, among other objectives, advocacy of "total disarmament" and recognition of Red China. This point was adopted in aid of Soviet foreign policy, which has as its prime objective the weakening of all non-Communist societies, particularly the United States, so that the goal of Soviet world domination may be achieved without the threat of serious interference from this now-powerful nation. Likewise in aid of Soviet foreign policy, was that which was included within the second point: "Hands off Cuba," and end "interference" in the affairs of Latin American countries. The third point of the Communist Party program, which supplements the purposes of the former, was the repeal of the Internal Security and Smith Acts, together with the abolition of this committee. This point of the program is likewise significant and entirely logical. It should be expected that laws which impede the accomplishment of the organizational objectives of the World Communist Movement, together with a congressional committee which has as its function the study and proposal of security legislation, would excite the most virulent Communist reaction and attention.

The Internal Security Act of 1950, which is referred to in the Communist press as the McCarran Act, has long been a matter of grave concern to the Communists. When the act was first proposed, then known as the Mundt or Mundt-Nixon Bill, and prior to its adoption, there was organized in June 1948 a National Committee To Defeat the Mundt Bill. This organization, now dissolved, was cited by this committee in House Report 3248, January 2, 1951, as a "Communist lobby" against anti-subversive legislation, and was succeeded by the now defunct National Committee to Repeal the McCarran Act, organized in December 1950 following the adoption of the Internal Security Act of 1950, and cited as a Communist front by the Senate Internal Security Subcommittee in Senate Document 117, April 23, 1956. Such fronts, with apparently specific objectives, and others as well, such as the Civil Rights Congress, the American Committee for Protection of Foreign Born, the Emergency Civil Liberties Committee, and the Citizens Committee To Preserve American Freedoms, to name but a few, have all joined in the general Communist effort to nullify the Internal Security Act. This front activity is calculated to create a climate of "opinion" or an appearance of widespread opposition, in the hope that the Congress, the Supreme Court, and the American people may be pressured and deceived by a handful of masquerading Communists.

The Internal Security Act does not prevent the Communist from speaking, but merely provides the means by which the speaker may be identified. The registration and disclosure provisions of the act, particularly those which require registration with the Attorney-General as a public record of Communist Party members and identification of the publications of Communist organizations, would draw

Communists from the ratholes and into the light of day, thereby destroying their weapon of concealment and deceit. This explains the bitterness and determination with which the Communist Party opposes this act, and this opposition emphasizes the continuing importance which the party attaches to conspiratorial action. Moreover, the Internal Security Act, in its preamble, contains a most damning indictment of the Communist Party, U.S.A. The findings of Congress there set forth declare that the Communist movement is foreign-controlled and has as its purpose the establishing of a Communist totalitarian dictatorship throughout the world, to be accomplished by any means effective to that end; and that a Communist network exists in the United States which employs secretive and coercive tactics, operating in concealment and through Communist-front organizations, by which Communists are able to obtain support of persons who would not extend such support if they knew their true nature. Particularly disturbing to the Communist Party was the decision of June 5, 1961, because it upheld a specific finding of the Subversive Activities Control Board—based upon voluminous and conclusive evidence—that the Communist Party, U.S.A., was a disciplined organization, operating here under Soviet Union control, with the purpose of installing a Soviet-style dictatorship in the United States.

Called as the first witness of the committee at the hearings was Francis J. McNamara, research director of the Committee on Un-American Activities, who has analyzed the reaction of the Communist Party and the World Communist Movement to the Supreme Court decisions of June 5, 1961. Since the American Communist Party is but a tentacle of the World Communist Movement, it was to be expected that any shock to the extension would be felt at the head, and communicated to the parts, of the world Communist body. A study of Communist publications led Mr. McNamara to conclude that the Communist Party of the United States and the International Communist Movement strongly denounced the decisions of the Supreme Court and issued directives to Communists for a concerted effort to oppose, and to enlist the support of non-Communists in a campaign to frustrate, the will of Congress. It is further evident that the Communist Party, U.S.A., considered the Citizens Committee for Constitutional Liberties and the National Assembly for Democratic Rights as vehicles for the implementation of its program.

In the June 11, 1961, issue of the Worker, the official Communist Party newspaper in the United States, a featured item was the statement of Gus Hall, general secretary of the Communist Party, U.S.A., making clear that voices would be heard "in strong protest" against the "McCarran Act" and the "Smith Act." Subsequently, in June the National Committee of the Communist Party drafted an open letter to the American people, which was published in the Communist press, and as paid advertisements in non-Communist publications as well, to protest against the decisions. Likewise, the June 18 Worker summarized a press conference held by Mr. Hall earlier in June, at which time there was present with him Elizabeth Gurley Flynn, national chairman of the Communist Party, and Benjamin J. Davis, its national secretary. Gus Hall said, "We are announcing a massive educational campaign to save the Bill of Rights * * *." He further stated that "the McCarran Act was never intended to be complied with."

Elizabeth Gurley Flynn, who writes a column in the Worker, made a statement in the July 9 issue to the effect that "the campaign against the McCarran Act cannot be postponed for a single day." Later, in the July 23 issue, she made reference to the Citizens Committee for Constitutional Liberties and its proposed National Assembly for Democratic Rights. She indicated that—

> Special folders will be ready shortly at the committee's office, addressed to youth and to the Negro people, also one addressed to Labor and to the Jewish people.
>
> If you live in New York, visit the committee's office.
>
> If you can give some time for voluntary work in mailing jobs, please go there and do so.
>
> Now is the time to be busy. We can breathe easier, better, later, after we win.

In her column in the Worker of September 10, 1961, she urges attendance at the National Assembly for Democratic Rights to be held at St. Nicholas Arena in New York on September 23 and 24, 1961. Referring to that Assembly she said, "Let us welcome this magnificent effort and do all in our power to make it a huge success."

On June 6, 1961, a day following the announcement of the Supreme Court decisions, the Moscow radio carried word of the decisions, and the Communist press in various parts of the world joined with published statements denouncing the decisions and pledging solidarity with the United States party in the campaign to destroy the Internal Security Act, while at the same time not missing the opportunity to vilify the entire American political system. Moreover, items appeared in party papers, including those of Canada, Great Britain, France, Japan, Burma, New Zealand, India, West Germany, Communist China, Czechoslovakia, Rumania, Denmark, and North Korea. New Times, an organ of the international Communist movement, published by TRUD in Moscow in eight different languages, featured an editorial against the decision in the issue of June 21, 1961. The "World Marxist Review," an English-language edition of "Problems of Peace and Socialism" published in Prague, Czechoslovakia, and distributed throughout the world in 18 other languages, featured in its August 1961 edition a denunciation of the Supreme Court decisions in an editorial, quaintly titled in Communist upside-down language, "Against the Persecution of Democrats," pointing out that "The task now is to press for annulment of the Supreme Court decisions." Articles of like tenor appeared in other Communist publications throughout the world. There is no doubt that the evidence clearly sustained Mr. McNamara's conclusion that the World Communist Movement has undertaken a vast operation of nullification.

David Duval, a senior at Princeton University, attended the meetings of the National Assembly for Democratic Rights on September 23 and 24, which were the dates set up in the "Call" for the rallies. He is a student majoring in the Department of Politics in that university and attended these meetings because of his general interest in propaganda activity and "political warfare," but made it clear that he was not in sympathy with the declared objectives of the Assembly. He testified that, on the evening before the initial meeting of the rally, he attended a meeting sponsored by the Emergency Civil Liberties Committee (ECLC), which was advertised as a meeting "in sup-

port of the victims of the Hollywood blacklist," held at Carnegie Hall, New York City. The "Call" to the National Assembly for Democratic Rights advertised the ECLC meeting; and the ECLC meeting, as Mr. Duval testified, in turn distributed leaflets in support of the National Assembly meeting to take place the following evening. The Emergency Civil Liberties Committee is cited by this congressional committee and the Senate Internal Security Subcommittee as a Communist front engaged in making specific appeals in behalf of "civil liberties." This demonstrates a typical scheme of coordinated Communist-front interaction in support of various Communist appeals. It is quite obvious that front activity was designed to draw interested persons into the New York area in support of mass participation in the Assembly and to create an audience which could be subjected to a program of Communist brainwashing.

Mr. Duval testified that Joseph Brandt, a Smith Act defendant and member of the National Committee of the Communist Party, opened the initial meeting Saturday afternoon, September 23. The Reverend William Howard Melish, whose "continuing, cooperative relationship" with Communist Party activities had been established in a finding of the Subversive Activities Control Board in hearings on the National Council of American-Soviet Friendship, Inc., was chairman of the Saturday evening session. Sunday evening the first speaker was Reverend Richard Morford, an identified Communist Party member, who, together with Melish, was active in the National Council of American-Soviet Friendship, which was declared a Communist-front organization by the Subversive Activities Control Board on February 7, 1956. Mr. Duval further described the proceedings, which clearly indicated that the platform was under the domination of known and identified Communists, including such leading party protagonists as John J. Abt; Dr. Herbert Aptheker, a member of the National Committee of the Communist Party; Carl Marzani; Ishmael Flory; Oakley Johnson, a member of the National Organization Committee which met in July 1919 to organize the Communist Party of America; and Benjamin Davis, national secretary of the Communist Party, who received a standing ovation at the rally.

Joseph Brandt, identified by Duval as a rally chairman, was called to testify. He declined to identify himself as a member of the National Committee of the Communist Party. Upon the basis of the fifth amendment, he refused to respond to inquiry whether reports in the New York Times of September 24, 1961, and the Sunday Worker of October 1, 1961, were correct in describing him, respectively, as "spokesman for the assembly," and "member of the assembly organizing committee." He would not respond to inquiry whether the National Committee of the Communist Party created the Citizens Committee for Constitutional Liberties and whether the National Committee designated Miriam Friedlander, a member of the National Committee of the Communist Party, as the executive secretary thereof.

When confronted with a copy of a lease dated July 8, 1961, between the St. Nicholas Sports Center, Inc., and the National Assembly for Democratic Rights, which was signed "National Assembly for Democratic Rights, by Joseph Brandt, Manager," Mr. Brandt refused, on constitutional grounds, to respond to the inquiry whether he was on that date the manager of that Assembly. Mr. Brandt was then confronted with agreement of lease dated July 19, 1961, for the lease of

the headquarters of the Assembly at 118 East 28th Street, New York, N.Y., between Harvard Agency Co., Inc., as landlord, and "Joseph Brandt, residing at 229 West 105th Street, New York, N.Y., doing business under the trade name of National Assembly for Democratic Rights." He refused to respond on constitutional grounds to any inquiries relating to this lease. Nor would he respond to any inquiry as to whether or not he participated in the selection of sponsors for the rally. When queried with reference to his activities in placing an ad for the rally in the New York Times of September 7, 1961, through an advertising agency, Mr. Brandt refused to answer. When shown the check payable to the advertising agency, drawn by the "National Assembly for Democratic Rights, Joseph Brandt," he refused to reply as to whether that was his signature. Nor would Mr. Brandt respond to inquiries whether he made payment for any advertisements of the rally which appeared in the Worker and the National Guardian.

When Mr. Brandt was pressed to give his knowledge concerning supporting groups organized in various parts of the country in support of the Assembly, the colloquy ensuing, as appears from the following extract from the testimony, is significant:

> Mr. TAVENNER. The next committee listed as supporting the National Assembly for Democratic Rights is the Minnesota Committee to Defend the Bill of Rights, 690 14th Avenue, N.W., New Brighton, Minn.
>
> Is that the address of a person by the name of Harry Mayville?
>
> Mr. BRANDT. Are you questioning the right of any group of Americans to organize themselves into any association or group they desire?
>
> Mr. TAVENNER. Not at all, sir, and that has been made perfectly plain in the chairman's opening statement, but what we are attempting to determine is what the Communist Party is doing in concealing its participation in it, and that is why you are here.
>
> We are earnestly endeavoring to ascertain from you information which should settle all questions about that, if you would answer truthfully.
>
> Mr. BRANDT. I am not here to help you in such kinds of slander and lies.

When asked by Mr. Scherer whether it was a lie that the Communist Party was behind the National Assembly for Democratic Rights, Mr. Brandt sought refuge in the fifth amendment, and this he did likewise in response to all pertinent and material inquiries with reference thereto. Nor did he controvert any of the information disclosed by committee investigation which was suggested to him as factual matter and which he would have an opportunity to explain or deny.

The committee then proceeded to inquire into certain advertisements placed in the Worker and the National Guardian, on behalf of the Citizens Committee for Constitutional Liberties and the National Assembly for Democratic Rights. Louis Weinstock, called as a witness, denied that he was the general manager of the Worker on September 27, 1961, when the subpena was served, but refused on constitutional grounds to respond to his position as general manager

as of September 21. It is to be noted that the advertisements were placed in the Worker prior to the latter date. Nor would Mr. Weinstock give any information as to whether any payment was in fact made for the advertisements which appeared in the Worker on behalf of the National Assembly for Democratic Rights or the Citizens Committee for Constitutional Liberties. The witness, a member of the National Committee of the Communist Party, refused on constitutional grounds to respond to questions relating to his knowledge as to whether the National Assembly for Democratic Rights and the Citizens Committee for Constitutional Liberties were creations of the Communist Party. John T. McManus, business manager and publisher of the National Guardian, was subpenaed to produce records of advertisements appearing in that organ pertaining to the National Assembly and Citizens Committee aforesaid. He produced a letter and certain file cards relating to the placing of the ads, but indicated that he did not know who made the payments or by whom the checks were issued in payment. The cards merely bore the penciled notation that a certain amount was paid.

Miriam Friedlander, a member of the National Committee of the Communist Party, was called to testify with reference to her activities as executive secretary for the Citizens Committee for Constitutional Liberties. On the basis of the fifth amendment, she declined to respond to the question whether she had, for a period of years, been a paid organizer of the Communist Party. She would not give any information relating to the appearance of her name on literature of the Citizens Committee for Constitutional Liberties as executive secretary, or relating to Dr. Oakley C. Johnson, named in such literature as treasurer of the organization. When shown a lease dated June 12, 1961, in which her name appeared as lessee, individually and as executive secretary, for the premises at 41 Union Square, Rooms Nos. 1525–1526, New York, and asked whether that lease was made for rooms used by the Citizens Committee for Constitutional Liberties, she refused to respond on constitutional grounds. She refused to respond to any questions relating to a lease of premises at Riviera Terrace, New York, for a meeting July 27, 1961, of that committee, or the part played by her in selection of sponsors for the National Assembly for Democratic Rights. She refused to respond to questions relating to her attendance at the meeting on September 24th of the National Assembly or her addressing a meeting of the New York panel of that group.

Oakley C. Johnson, whose record of Communist activities goes as far back as the founding of the Communist Party of America in 1919, was then called so that his participation in the National Assembly for Democratic Rights and the circumstances surrounding his appointment as treasurer of the Citizens Committee for Constitutional Liberties might be explored. He was not cooperative. He declined to respond to the inquiry whether he was appointed to the position of treasurer of the Citizens Committee by the National Committee of the Communist Party. He declined to state how much money the Citizens Committee had raised pursuant to a "Dear Friend letter" circulated in the name of that committee, toward a declared goal of $100,000 "to be used for legal defense, for the preparation of literature, for advertisements," and like purposes. Committee investigation disclosed that the Citizens Committee for Constitutional Liberties was

formed on or about June 12, 1961, and, when this statement was put to the witness, he declined to answer. When advised that information in the possession of the committee indicated that the Citizens Committee was formed by the Communist Party in June 1961 to function as the party's defense committee and to raise funds for propaganda purposes to counteract the Supreme Court decisions of June 5, 1961, he declined on constitutional grounds to confirm or deny the inquiry. Nor would he respond to the inquiry and charge that one of the functions of that committee was to serve as a national coordinator of the Communist Party's program, and to coordinate the work of the local defense committees which the Communist Party ordered each of its districts to organize.

The next witness, James Tormey, a member of the National Committee of the Communist Party from the New York District, was called for the purpose of inquiring into his participation in organizational activity relating to the Citizens Committee for Constitutional Liberties and various organizations in support of the National Assembly. On the basis of the first and fifth amendments, he declined to respond to any questions relating to his participation in the organization of a number of committees listed in the Worker of September 17, 1961, as supporting the National Assembly for Democratic Rights. Nor would he inform the committee whether or not he participated in the sponsoring of persons and organizations in support of the National Assembly.

John J. Ungvary, sergeant of the Cleveland Police Department, detailed to the investigation of subversive activities, testified as to the participation of certain supporting groups from Ohio, particularly the Ohio Citizens for Constitutional Rights and its Cleveland branch, the Citizens for Constitutional Rights. He testified that Edna Kaufman, chairman of the latter, had made arrangements for chartering a Greyhound bus from Cleveland to New York, and had paid the bill by her personal check. He related the Communist Party affiliation of various persons in the Cleveland, Ohio, area actively participating in the arrangements made for attendance by bus from Ohio at the New York meeting of the National Assembly. Following that testimony, Edna A. Kaufman was called as a witness, she having been previously identified as a member of the Communist Party. She declined to answer questions relating to her participation in the National Assembly and particularly in the representation thereat of the Ohio group.

Mark I. Solomon, a resident of Michigan, was called to testify with reference to his participation in, and knowledge of, the activities of a group in support of the National Assembly, listed in the Communist press as the Michigan Committee of the National Assembly for Democratic Rights, 1306 Holden Avenue, Detroit, Michigan. The witness declined to answer any questions relating to the formation of this organization or his leasing of premises at that address. Nor would he answer questions relating to whether or not he hired a bus to deliver a contingent from Detroit to New York for the purpose of attending the rally at St. Nicholas Arena, or other questions relating to his activities in relation to the National Assembly for Democratic Rights. He declined to answer the inquiry whether he was a member of the Communist Party at the time he testified.

Henry Harrison Mayville, a resident of the State of Minnesota, called as a witness following Solomon, likewise sought refuge behind constitutional privilege in refusing to answer questions relating to his participation in the National Assembly for Democratic Rights, as spokesman for the Minnesota Committee for Upholding the Bill of Rights. Nor would he respond to the inquiry whether he was a member of the Communist Party at the time of testifying, or whether he knew persons associated with the Minnesota Committee to be members of the Communist Party. There was called to his attention an article in the August 27, 1961, Worker which referred to the Minnesota Committee for Upholding the Bill of Rights, and an article in the September 17, 1961, issue of the Worker referring to a Minnesota Committee to Defend the Bill of Rights. When the witness was asked to explain the distinction in the title of the two committees, he refused to answer on the basis of the first and fifth amendments.

Nellie DeSchaaf, who in a previous appearance before this committee had declined, on the basis of the fifth amendment, to respond to an inquiry relating to her membership in the Communist Party, and again declined to do so in this hearing, was called as a witness to give information relating to the Chicago Committee of the National Assembly for Democratic Rights of 189 West Madison Avenue, Chicago, Ill., of which she was identified as the secretary in the September 17, 1961, issue of the Worker. Mrs. DeSchaaf was unwilling to give this congressional committee any information either as to her identification as a secretary of that organization or in any other respect. It was pointed out to her that the office location of the committee, of which she was named secretary, bore the same street address as the Midwest Committee for Protection of Foreign Born [1] and the Chicago Committee to Defend the Bill of Rights. She refused to enlighten the House committee as to whether or not the quarters at 189 West Madison Avenue, Chicago, Illinois, in which these three organizations maintained their offices, was maintained by the Communist Party. It was further pointed out to her that a questionnaire issued by and titled "Chicago Youth Committee for National Assembly for Democratic Rights" bore the same address, namely 189 West Madison Avenue, Chicago, Illinois. She refused to enlighten the House committee as to whether or not that organization operated out of the same room with the organization in which she appeared as secretary. Nor would she answer the inquiry whether she, in fact, attended the rally of the National Assembly held in New York on September 23 and 24. She would not testify to any knowledge of Richard Criley and the Reverend William Baird relating to their connections with the Chicago Committee to Defend the Bill of Rights and the Chicago Committee of the National Assembly for Democratic Rights.

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[1] *Midwest Committee for Protection of Foreign Born.*

Both the Subversive Activities Control Board and the House Committee on Un-American Activities have found the Midwest Committee for Protection of Foreign Born to be an integral part of a parent organization known as the American Committee for Protection of Foreign Born.

The committee has found that ACPFB local affiliates represented themselves as independent groups "only after enactment of the Internal Security Act which would have required them, as affiliates, to register as Communist-front organizations." The committee also found that "Control of the organizations * * * was made possible primarily by virtue of the fact that the leaders of the local groups were Communist Party members and therefore subject to the discipline of the party." (Committee Report on *Communist Political Subversion*, H. Rept. 1182, August 16, 1957.)

The SACB declared that the ACPFB and such local committees constituted one organization within the meaning of the Internal Security Act, under the authority of which the SACB had determined the ACPFB to be a Communist-front organization and ordered it to register as such with the Attorney General. (*SACB Report and Order*, June 27, 1960.)

Thereupon, the committee called Richard L. Criley, also referred to above as Richard Criley, an identified Communist, to testify in relation to his appearance as secretary of the Chicago Committee to Defend the Bill of Rights, he being named as such in the September 17, 1961, issue of the Worker, which likewise identified that organization as in support of the National Assembly for Democratic Rights. Mr. Criley declined to answer this and all other questions pertaining to his activities in this organization. Although given an opportunity to state whether or not he had been a delegate to the 16th National Convention of the Communist Party held in New York in 1957 and to affirm or deny the testimony of four witnesses in past hearings before this committee relating to his identity as a member of the Communist Party, Mr. Criley declined to respond. Nor would Mr. Criley affirm or deny whether he, as secretary of the Chicago Committee to Defend the Bill of Rights, received instructions from the Communist Party with reference to the activities of this organization in support of the National Assembly for Democratic Rights. Mr. Criley would not give any information relating to any of the four organizations, about which Mrs. De Schaaf likewise refused to testify, created in the Chicago area and identified in the Worker as assisting in the National Assembly for Democratic Rights, all of which had their address at 189 West Madison Avenue, Chicago. Although identified in the October 2, 1961, issue of the National Guardian as in attendance at the National Assembly for Democratic Rights in New York, and named as rendering the Midwest panel report to the Assembly at the plenary session on Sunday afternoon, Mr. Criley declined to affirm or deny the report of that newspaper.

The testimony of Malcolm C. Nelson, the last witness called on Tuesday, October 3, 1961, is significant because it reveals that the Communist Party involved him without his consent in this specific propaganda campaign. Nelson testified that he was a resident of Milwaukee, Wisconsin, and by occupation a photographer. When shown the September 17, 1961, issue of the Worker which set forth the Wisconsin Committee for Constitutional Freedom as an organization supporting the National Assembly for Democratic Rights and giving its address as P.O. box 433, Milwaukee, Wisconsin, Mr. Nelson identified that post office box as his own. He explained, however, that he had not authorized the use of that address by the Wisconsin Committee for Constitutional Freedom. He testified that he had on one prior occasion, about 7 months earlier, authorized the use of this post office box by a John A. Bjorklund, who is presently identified as chairman of the Wisconsin Committee for Constitutional Freedom. That authorization for prior use was for the distribution of a speech by James Roosevelt. He testified that he had no connection with the National Assembly for Democratic Rights and that John A. Bjorklund, whom he identified as a friend, was not authorized to utilize that box number on behalf of the Wisconsin Committee. It is interesting to note Mr. Nelson did not receive any response to the Worker advertisement through his post office box.

Simon Schachter, an attorney whose name appeared as secretary of the National Assembly for Democratic Rights, was excused from testifying by reason of serious illness, on request of his counsel.

MANIPULATION OF PUBLIC OPINION BY ORGANIZATIONS UNDER CONCEALED CONTROL OF THE COMMUNIST PARTY

(National Assembly for Democratic Rights and Citizens Committee for Constitutional Liberties)

PART 1

MONDAY, OCTOBER 2, 1961

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.

PUBLIC HEARINGS

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 2 p.m., in the Caucus Room, Old House Office Building, Washington, D.C., Hon. Francis E. Walter (chairman of the committee) presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania; William M. Tuck, of Virginia; Gordon H. Scherer, of Ohio; August E. Johansen, of Michigan; Donald C. Bruce, of Indiana; and Henry C. Schadeberg, of Wisconsin. (Appearances as noted.)

Staff members present: Frank S. Tavenner, Jr., director; Alfred M. Nittle, counsel; and Donald T. Appell, investigator.

The CHAIRMAN. The subcommittee will come to order.

(Committee members present at time of convening: Representatives Walter, Tuck, Scherer, Johansen, and Schadeberg.)

The CHAIRMAN. On September 22, 1961, the Committee on Un-American Activities met here in Washington and unanimously adopted the following resolution:

Be it resolved, That a hearing by the Committee on Un-American Activities, or a subcommittee thereof, be held in Washington, D.C., or at such other place or places as the chairman may designate, on the 2d day of October 1961, and to be continued to such date or dates as the chairman may determine, relating to Communist conspiratorial techniques and propaganda used in promoting the objectives of the Communist Party of the United States, with special reference to the utilization of organizations under concealed control of the Communist Party, in opposition to laws enacted by Congress which are designed to strengthen and protect the security of the United States, and with reference to the extent and objects of Communist involvement in the creation, manipulation, or control of the National Assembly for Democratic Rights and its sponsoring or supporting organizations and groups, the legislative purpose being to keep the Congress informed of the extent, character and objectives of Communist propaganda ac-

tivities in the United States that it may be prepared to enact remedial legislation in the national defense and for internal security.

Be it further resolved, That the hearings may include any other matter within the jurisdiction of the Committee which it, or any subcommittee thereof, appointed to conduct this hearing, may designate.

Be it further resolved, That the conduct of investigations deemed reasonably necessary by the staff in preparation for this hearing, be authorized and approved.

There is one thing I want to emphasize and make crystal clear before this hearing gets under way. It is that the committee fully recognizes the first amendment rights of free speech and discussion, peaceable assembly, and petition, of all citizens of the United States, including those who are members, affiliates and officials of the so-called Communist Party, the very people who, if they had the opportunity, would tomorrow tear the Bill of Rights to shreds.

The committee believes in and will defend the first amendment rights of all citizens, so long as they act within the framework of the Constitution and laws of this country, to oppose legislative measures introduced in the Congress for the purpose of protecting this Nation from Communist subversion; to criticize the Congress for enacting such legislation; to attempt to have legislation of this type repealed; to disagree with and harshly denounce court, including Supreme Court, decisions interpreting these laws or ruling favorably on their constitutionality.

With equal vigor, however, I want to emphasize that no citizen of this country has any right—including even the right to life—that is unlimited. All fundamental, constitutional rights are qualified, all are restricted. This is not the holding of the committee. It has been the finding of the United States Supreme Court and of every recognized authority on constitutional law since the founding days of our Republic. All speech, all assembly, all petition are not protected by the Constitution.

Prior investigation and research by the staff of the Committee on Un-American Activities indicate that in this hearing on the National Assembly for Democratic Rights and its sponsors, the committee is not dealing at all with fully protected first amendment rights, but with actions of the Communist Party which, the Supreme Court has held, are not protected—in the sense that they are subject to investigation and certain disclosure procedures.

As the committee expected, the Communist Party has already accused it of violating the first amendment rights of free speech and assembly by scheduling this hearing on the National Assembly for Democratic Rights and the Citizens Committee for Constitutional Liberties. Since the hearings were announced and certain of its agents subpenaed to testify in them, the party has staged a meeting here in Washington for the purpose of selling this false charge to the American people and agitating them against the committee.

Now, what is the truth about this charge? All significant advances made by the Communist parties of the world since the time of the Bolshevik Revolution—with the exception of seizures of power by armed revolt or with the aid of the Soviet armed forces—have been accomplished primarily through two weapons—deceit and concealment. They have been accomplished, in other words, by lies, distortions, falsehoods, and half-truths disseminated among great numbers of people by organizations and individuals who have succeeded in

concealing the fact that they are agents of the World Communist Movement.

As Justice Felix Frankfurter, speaking for the majority of the Supreme Court, said in his decision upholding the constitutionality of the Internal Security Act:

> Congress has found that these action organizations (i.e., Communist parties) employ methods of infiltration and secretive and coercive tactics; that by operating in concealment and through Communist-front organizations they are able to obtain the support of persons who would not extend such support knowing of their true nature * * *

Justice Frankfurter went on to conclude, in view of the finding of Congress to this effect and also in view of its finding that a Communist network exists in the United States, and that this network is controlled by the Soviet Union and aims to overthrow this Government, by force if necessary, and establish a Soviet-style dictatorship in its place—in view of these findings, I say, Justice Frankfurter went on to conclude—

> * * * we must recognize that the power of Congress to regulate Communist organizations of this nature is extensive.

He was here referring specifically to Communist-action organizations, such as the Communist Party.

In view of the Supreme Court's finding that Congress has extensive power to regulate the Communist Party, it follows that the Congress must also have the right to investigate its activities.

Prior investigation by the committee indicates that there was extensive Communist involvement in the National Assembly for Democratic Rights. A purpose of this hearing is to determine whether, as this investigation indicated, the National Assembly for Democratic Rights and the Citizens Committee for Constitutional Liberties are nothing but Communist-front operations, planned, manipulated and controlled by the Communist Party for the purpose of winning support for its subversive purposes from persons who would never give such support had they known the true nature of these organizations.

Is it a violation of first amendment rights for the committee to hold a hearing for the purpose of revealing to the Congress for legislative purposes—and, incidentally and merely as a byproduct, to the American people—what the Communist Party has tried to conceal from them? Does this hearing threaten or interfere with free speech, assembly and petition?

In answer to this question, let me again quote the majority decision of Justice Felix Frankfurter. In referring to the registration or disclosure provisions of the Internal Security Act, he said—

> Where the mask of anonymity which an organization's members wear serves the double purpose of protecting them from popular prejudice and of enabling them to cover over a foreign-directed conspiracy, infiltrate into other groups, and enlist the support of persons who would not, if the truth were revealed, lend their support, it would be a distortion of the first amendment to hold that it prohibits Congress from removing the mask.

I would also point out that every one of the nine Supreme Court Justices, with the single exception of Justice Hugo Black, agreed that the registration or disclosure provisions of the Internal Security Act—which parallel some of the principles involved in this hearing—were not violative of the first amendment. One of the dissenters, Justice William Douglas, said the disclosure provisions of the act are—

> * * * in line with the most exacting adjudications touching first amendment activities.

Why does the Communist Party oppose this hearing in which evidence may appear that will not only serve to strengthen our legal defenses against communism, but may also strip from the National Assembly for Democratic Rights the mask of concealment the party itself has thrown over the Assembly?

Why do you think the Communist Party and all its agents have so bitterly fought the Internal Security Act, from the time in 1947 when it was introduced in the Congress as a bill, until the present? Why, when the Supreme Court handed down its decision upholding the act on June 5, did the party's leader say that it would defy this law?

I will tell you why. It is because this act strips the U.S. arm of the World Communist Movement of one of its two most valuable and potent weapons, the weapon which, it knows, is absolutely essential to the achievement of its goals. It will strip it of the weapon of concealment.

The act, contrary to the claims of the Communist Party, does not in any way curb the party's free speech. Under the provisions of this act, the party, if it has the means to do so, can not only continue but expand its operations. It can set up additional hundreds of front organizations, and it can literally flood the country—drown the American people—saturate the airwaves, with the kind of lies, falsehoods, distortions, and half-truths it has been disseminating in this country for some 40 years.

But the act also compels the Communist Party to do what it hates and fears doing. It compels it to identify itself. It must register—reveal the names of its members. When the party sponsors a radio or TV program, it must announce:

"The following program is sponsored by the Communist Party, a Communist organization." When a Communist front distributes its propaganda through the mail, it must label it: "Disseminated by ————————, a Communist organization."

No legitimate political party would object to this. American organizations of all kinds do these things as a matter of course. They are proud to do so. They consider it good advertising.

But the Communist Party does not want to identify itself in this way. Why? Because the Communist Party is identified with mass murder, with Budapest, with the rape of Tibet, with slave labor, with the Katyn Forest massacre, with sabotage, espionage, subversion, the destruction of freedom of religion, speech and the press, the denial of the right to own private property, and hundreds of other things repugnant, revolting and reprehensible to every American who believes in the Constitution and the principles on which this Government is founded.

Because of these things with which the Communist Party is identified, it knows that it can get nowhere in this country, if it must do so much as reveal its name and label the product it tries to peddle. No one will buy it. This means that the United States can be communized only by the intervention of Soviet armed forces. But that would mean war with the United States, and Khrushchev says he does not want war—because he is afraid it will destroy the World Communist Movement.

And it is precisely for these reasons that the Communist Party has tried to discredit, forestall, and sabotage our hearings—because our hearings will demonstrate the effective manner in which it uses its weapon of concealment.

The committee has no intention of being sidetracked from its proper functions by specious Communist cries that it is violating the first amendment.

As indicated in the committee's resolution, it is the desire of the committee to ascertain and study the conspiratorial techniques and propaganda used in promoting the objectives of the Communist Party through the medium of organizations operating under concealed control of the Communist Party, in order that Congress may be kept informed of the extent, character and objectives of the Communist Party in the United States.

Will you call your first witness, Mr. Nittle?

Mr. NITTLE. Francis J. McNamara.

The CHAIRMAN. Mr. McNamara, will you raise your right hand, please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MCNAMARA. I do.

TESTIMONY OF FRANCIS J. McNAMARA

Mr. NITTLE. Will you state your name, please?

Mr. MCNAMARA. Francis J. McNamara.

Mr. NITTLE. What is your present occupation?

Mr. MCNAMARA. I am presently employed as research director of the Committee on Un-American Activities.

Mr. SCHERER. Mr. McNamara, will you move the mike over in front of you? It is difficult for us to hear.

Mr. NITTLE. On June 5 of this year the Supreme Court of the United States announced its decision in the case of the Communist Party of the United States, Petitioner, versus the Subversive Activities Control Board in which the Supreme Court upheld the constitutionality of the Internal Security Act of 1950, particularly in relation to the registration and disclosure provisions thereof as applied to Communist-action organizations, and more specifically, as applied to the Communist Party of the United States.

As research director of the Committee on Un-American Activities, have you been requested by its staff director to engage in and supervise certain studies in relation to the reaction of the Communist Party and the World Communist Movement to this particular decision of June 5, 1961?

Mr. MCNAMARA. I have.

Mr. NITTLE. Would you briefly summarize the result of these studies?

Mr. MCNAMARA. The result of these studies may be summarized in five brief statements.

1. The Communist Party and the International Communist Movement have strongly denounced, condemned, and criticized the decision of the Supreme Court. I might add this is not at all unexpected. Since the Internal Security Act was introduced in the Congress in

1947 as a bill, the Communist Party, with the support of the International Communist Movement, has waged a steady campaign against it.

2. Declarations and actions taken indicate that the Communist Party will not obey this law and that the Communists consider that they must do more than merely refuse to obey it. They must wage an intense struggle to prevent the law from ever being implemented.

3. The Communist Party will make every effort to enlist the support of non-Communists in its campaign to frustrate the will of the Congress in passing the Internal Security Act.

4. The Communist Party considers the Citizens Committee for Constitutional Liberties and the National Assembly for Democratic Rights as vehicles for the implementation of this campaign or program it has undertaken.

5. The Communist Party has the complete support in this project of the World Communist Movement.

Mr. NITTLE. To be more specific, would you give some details as to the manner in which the Communist Party and its leaders, particularly Gus Hall, general secretary of the Communist Party, reacted to this decision?

Mr. MCNAMARA. I have before me a reproduction of the Worker, the official Communist Party newspaper, of June 11, 1961, page 1. Prominently featured on this page is a boxed item under the headline "CP Statement On Court Ruling." This contains the text of the statement made by Gus Hall, general secretary of the Communist Party, on June 5, 1961, the date the Supreme Court handed down its decision.

Among other things he stated:

> the Supreme Court today struck a crushing blow at democracy and the Constitution of the land. It did this by upholding the membership clause of the Smith act and the McCarran registration act, both based on the Hitlerite big lie of the Communist menace.

Again, referring to the Communist Party's reaction to this decision:

> It will continue to do its duty to the American people by alerting them as sharply as it can to the dangers inherent in this court action.

And, finally, the concluding paragraph:

> We are sure that many Americans, faithful to the cause of democracy and peace, will let their voices be heard in strong protest.

Mr. NITTLE. May we mark the first item as exhibit 1 and I offer it for the record.

The CHAIRMAN. The document will be made a part of the record.

(Document marked "McNamara Exhibit No. 1," and retained in committee files.)

Mr. MCNAMARA. Another item: the Worker of June 18, 1961, page 2. An article appears under the headline, "CP Denounces Robert Kennedy's Cold-War Big Lie."

This article concerns the statement made by the United States Attorney General, Mr. Robert Kennedy, on June 11, announcing the schedule for the implementation of the Internal Security Act and the Communist Party's official reaction to his statement.

In the course of its statement, the Communist Party—its statement was issued, by the way, after a meeting of its National Executive Committee—the Communist Party said of the Attorney General:

He should join with the Communist Party and all other democratic Americans in seeing that the McCarran Act is reversed, repealed * * *

Later in its statement:

Irrespective of what one's attitude to the Communist Party is the most urgent and broadest united actions of labor and the American people are necessary to restore the Bill of Rights. * * *

Mr. NITTLE. May we mark that exhibit 2 and offer it for the record, Mr. Chairman?

The CHAIRMAN. It may be included in the record.

(Document marked "McNamara Exhibit No. 2," and retained in committee files.)

Mr. NITTLE. Mr. McNamara, perhaps you would explain briefly what appears to be the use of a peculiar upside-down language by the Communist Party. Would you tell us a little about Communist semantics?

They have spoken, for example, of the blow at "democracy." They have spoken of many Americans faithful to the cause of "democracy and peace" letting their voices be heard in strong protest.

I assume when such words are used by Communists you would be certain to place them in quotes, as having a special meaning?

Mr. MCNAMARA. I definitely would. This goes back to the old Communist Aesopian language contrived by Lenin, as he himself pointed out in a preface to his work on imperialism.

Briefly, I can say this: that "peace," to the Communists, means world Communist rule. According to their philosophy, we will have "peace" only when they have conquered the earth and brought every person on it under their control.

As long as you have capitalism, you will have war.

The only way to eliminate war is by eliminating capitalism, making the world completely Communist.

This is what they mean by "peace."

Again, they also claim we will have true "democracy" when, and only when, we have communism.

In their Aesopian language, they are using these phrases to tell their own members what they are really after—Communist world conquest—while misleading Americans who do not understand this Aesopian language into believing this is really a campaign for true peace or democracy, as we understand those terms.

Mr. NITTLE. So that, when the Communist uses the word "democracy" and speaks of "a blow at democracy" in this propaganda effort to discredit the Internal Security Act, he really means that this act has been a blow at totalitarianism and not at democracy?

Mr. MCNAMARA. The Communist Party members understand this as meaning a blow at the Communist Party and world communism.

Another item indicating the reaction of the Communist Party to the Supreme Court decision: the National Committee of the Communist Party drafted an "Open Letter to the American People." It was published in the Worker on June 25 this year and in the People's World, the West Coast Communist Party newspaper, on July 1. It

also appeared as a paid advertisement in the National Guardian on June 26, the New York Times on June 22, and the Washington Post on June 26.

I will read from the reproduction of this statement in the Worker just one brief excerpt from it:

* * * we say to all our fellow-Americans, irrespective of political faith: The bell tolls not for the Communists alone but for the hard-won rights of all Americans. All must act together to save American constitutional liberties.

Speak up! Speak up today as an individual or through your organization.

Mr. NITTLE. May we mark that exhibit 3, and offer it for the record?

(Document marked "McNamara Exhibit No. 3," and retained in committee files.)

Mr. MCNAMARA. I have another item on the same point, the official Communist Party reaction to the Supreme Court decision but, in view of the time element, I will not introduce it at this moment.

(Mr. McNamara subsequently gave the following testimony for inclusion in the hearing record at this point):[1]

[Documents I will introduce shortly will make it abundantly clear that the Communist Party has said it will openly defy the Government of the United States and the Supreme Court, as far as the Internal Security Act is concerned. They will also reveal that the party is relying primarily on extra-legal measures in its efforts to nullify the Internal Security Act—mass pressure tactics, an attempt to create the false idea that there is tremendous public opposition to the act and the court's decision upholding it, both here and abroad.

After the court had handed down its decision on June 5, however, there was one more legal step the party could take to try to prevent enforcement of the act. It took this step. The Worker of June 25, in its lead story on page 1, announced that on Tuesday, June 20, the party's attorneys, John J. Abt and Joseph Forer, had asked the Supreme Court to grant a delay in the application of its decision, pending a full court review of its petition for a rehearing of the case. This request was granted by Justice Frankfurter. Thus, implementation of the act has been delayed at least until later this month when the Supreme Court convenes for its October term.

The Worker of June 25, in the item about the party's petition to the court, mentioned a few criticisms of the court decision, including ones by the West German and Canadian Communist Parties. It then stated:

MCNAMARA EXHIBIT NO. 4

All these are indications that the infamous court ruling will not go unchallenged, that public opinion and activity will force a reversal of this ruling and repudiation of the law which violates the U.S. Constitution and its Bill of Rights.]

I will proceed with one or two items concerning Mr. Gus Hall, the party's executive secretary.

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[1] This and similarly bracketed testimony by Mr. McNamara interspersed in this hearing was given subsequent to the public hearing on Oct. 2 and inserted at appropriate places in the hearing record. See p. 165 for committee authorization of this procedure, as a time-saving measure, in the course of the Oct. 2 hearing.

The Worker of June 18 tells of a press conference held by Mr. Hall earlier in June. Present with him at Communist Party headquarters at this press conference were Elizabeth Gurley Flynn, chairman of the Communist Party, and Benjamin J. Davis, national secretary.

I will quote a brief excerpt or two from this article in the Worker:

"We do not view this as a farewell press conference," Hall remarked at the start. "We are announcing a massive educational campaign to save the Bill of Rights instead."

Again, later in this account:

"The McCarran Act," Hall went on, "was never intended to be complied with. * * *

"It asks the Communist Party to commit suicide. But the officers of the Communist Party will not cooperate with any such suicide plan."

Another item concerning Mr. Hall's reaction: The People's World, West Coast Communist Party newspaper, of July 22, 1961, page 12; a dispatch from Seattle:

Gus Hall, general secretary of the embattled Communist Party, announced a double-barrelled national crusade this week.

Here on the first leg of a Pacific Coast tour, the Communist leader said he intended to alert the country to the great peril of an ultra-Right and fascist resurgence. He was taking the stump, he said, to bring to the people the political sense of a major policy declaration he made public in New York last week * * *.

At the same time, he said, he wanted to bring home "the danger to the Constitutional rights of all Americans," arising from the Supreme Court's 5–4 decision against his party under the McCarran (Internal Security) Act.

I have one more item concerning Mr. Hall. The Worker of August 6, 1961, page 2, which quotes him reporting on his West Coast tour which had taken him to Seattle, Portland, Los Angeles, and San Francisco in his crusade. He made this statement:

The McCarran Act is a serious blow against the Bill of Rights, but this smoke screen [that is, of anti-Communism] can become the excuse for its complete destruction.

McNAMARA EXHIBIT NO. 5

[The Worker of July 2, 1961, page 1, quotes Gus Hall as having stated the previous week that the stay of the Internal Security Act registration order granted by Justice Felix Frankfurter is an "important concession to the widespread sentiment already expressed against the 5–4 decision upholding the order."

On the continuation of this item on page 10, Hall is quoted as saying:

We intend to pursue with redoubled vigor the battle against all such laws and in defense of the Constitution, until victory is won.

Hall later drew up a Communist Party policy statement entitled "The Ultra-Right, Kennedy, and Role of the Progressives," which was published in the Worker of July 16 and in the July issue of Political Affairs, the party's monthly magazine. This statement was also printed as a brochure and mailed to many persons in this country, including some Members of the Congress, with a covering letter by

party chairman Elizabeth Gurley Flynn, requesting comment on it. In the course of this statement, Hall said:

* * * the new reactionary attack opened by the Supreme Court decisions has created a new situation both for the Party and the entire Left. * * *

Naturally, we have refused to accept this judgment, whether it comes from the High Court or elsewhere. On the contrary, we have made clear our firm determination to defend the Constitutional rights of the Party against every effort of the Department of Justice to force us to comply with the monstrous registration and other provisions of the anti-Communist laws.

The West Coast Communist Party newspaper, the People's World, of July 29, 1961, page 10, in a dispatch from Los Angeles, described a press conference held in that city the previous week by Gus Hall. Referring to questions asked by newspaper reporters and television newsmen, this item said:

Nor did they neglect to ask about the impact of the recent U.S. Supreme Court decisions upholding the McCarran Act and the membership provision of the Smith Act, a primary reason for Hall's visit to the West Coast.

"The purpose of my visit is to discuss three central subjects with as many people as are willing to listen," Hall said. "They are the danger to the Bill of Rights and the constitutional liberties of the American people flowing out of the court decision, * * *."

This same article, after quoting Hall to the effect that all Americans are affected by the Supreme Court decision, further quotes him as saying:

"That's why thousands of Americans have come forward in response to our appeal."

"Thousands?" echoed the reporter.

"Yes, thousands," Hall replied firmly.

Mr. NITTLE. Have you examined the statements of the Communist Party National Chairman Elizabeth Gurley Flynn, with reference to the decision of June 5?

Mr. MCNAMARA. I have. In her column in the Worker of July 9, page 7, for example, she made the following statement:

* * * the campaign against the McCarran Act cannot be postponed for a single day.

Again in her column on July 23, this year, page 7 of the Worker, she refers to the Supreme Court action in granting a stay of implementation of the Internal Security Act and then writes:

I'm afraid a lot of good people said, "Well now, that's a breathing spell." I hate to disillusion such folks, especially in the heat of Summer, but if all we do is breathe, go to the beach, sit in cool spots, etc., this time of approximately twelve weeks will be criminally wasted.

This is not the time for business as usual or vacations as usual. It is necessary to do important and pressing things immediately.

She then refers to the Citizens Committee for Constitutional Liberties and its proposed National Assembly for Democratic Rights. Her column ends with the following words, referring to the committee:

Special folders will be ready shortly at the committee's office, addressed to youth and to the Negro people, also one addressed to Labor and to the Jewish people.

If you live in New York, visit the committee's office.

If you can give some time for volunteer work in mailing jobs, please go there and do so.

Now is the time to be busy. We can breathe easier, better, later, after we win.

In her column in the Worker of September 10, 1961, page 4, she refers to the National Assembly for Democratic Rights, brings out the fact that it is being held at St. Nicholas Arena in New York on September 23 and 24, and then states:

Do tell your questioners who ask "What can we do?" about this assemblage and urge them to attend. It will not be just of or for New Yorkers. People will come from all parts of the country, from all walks of life, of all political views, united by their opposition to any form of political persecution and their determination to defend the Constitutional freedoms.

Her column ended with this paragraph, referring to the National Assembly for Democratic Rights:

Let us welcome this magnificent effort and do all in our power to make it a huge success. Let us help carry its aims to victory.

Mr. NITTLE. I would ask that the exhibits that you just read from and not previously introduced be introduced in the record in the order in which you have presented them.

The CHAIRMAN. Make them a part of the record in that order.

(The documents referred to were marked and received as McNamara exhibits.)

MCNAMARA EXHIBIT NO. 6

[In her column which appeared on page 7 of the Worker of June 25, Elizabeth Gurley Flynn wrote:

* * * the U.S. Supreme Court rendered a body blow at the Bill of Rights * * *.

Referring to the Internal Security Act, she said:

It is comparable to the fascist Nuremburg laws.

She went on to say:

There is a pattern of fascism here. * * * The Bill of Rights is the target.

The August issue of Political Affairs featured an article entitled "We Can Win" by Elizabeth Gurley Flynn. In its opening paragraph, she spelled out the purpose of the article in these words:

* * * I want to discuss what happens now—the consequences of the decision and what must be done to check and defeat the unconstitutional aim of the McCarran Act.

In the course of this article, she reiterated the party's noncompliance policy by quoting the following words of Gus Hall and describing them as "courageous and frank":

The McCarran Act asks our Party to commit suicide, but we will not comply.

I quote some additional excerpts from this article:

It is important that all Americans interested in the efforts to nullify the McCarran Act do not consider the temporary stay of execution as a breathing spell. * * * all others who now are ready to speak out, should do so in a nation-wide, demonstrative protest. I am certain a grass-roots public opinion can be mobilized to support the arguments of the attorneys for a rehearing * * *.

* * * * * * *

One need not be a Communist to act to abolish this monstrosity * * *.

* * * * * * *

I am informed that a National Assembly for Democratic Rights is projected by a group of public-spirited citizens for this purpose. By the time this article

appears, it will undoubtedly be well under way for mid-September, and deserve the unlimited efforts of all our readers.

* * * * * * *

Let it be known far and wide to the American people what the end of the trail is for Americans under the McCarran Act. When it becomes fully known, I am confident there will be such universal indignation and repudiation of this disgraceful Act, as will sweep it into oblivion. Victory is possible.

In her Worker column of August 13, page 7, Elizabeth Gurley Flynn made it very clear that the Communists did not intend to rely on purely legal procedures in their campaign to nullify the Internal Security Act. She did this by quoting from a speech made some years earlier by the late Eugene Dennis, her predecessor as chairman of the Communist Party, and stating that this speech was "signally appropriate today" when the Party was "facing the struggle to defeat the McCarran [Internal Security] Act":

At this juncture, especially in the fight to reverse the infamous Foley Square decisions and to develop the mass struggle against the fascist Mundt-Nixon bill (now the McCarran Act—E. F. G.) let me warn against any tendencies to "go it alone," to regard the expanding, independent and courageous actions of the Party as a substitute for broader mass movements which we have the task to influence. Let me add to this admonition the warning to also be on guard against two dangers. On the one hand, we must guard against legalistic illusions of reliance on the higher courts; on the other hand, we must guard against fatalistic notions that it is impossible in the United States, in this period of rampant imperialist reaction, to reverse an outrageous court decision or to check the advocates of a fascist police state and a third world war. Both of these, legalistic illusions as well as fatalistic and pessimistic attitudes lead to passivity, are harmful and must be rejected.]

Mr. NITTLE. Now, Mr. McNamara, did you examine the official Communist press to determine its reaction?

Mr. MCNAMARA. Yes, sir, I did, and I have here some examples of it. The Worker, June 11, 1961, featured an editorial entitled "An Ominous Decision."

(At this point Chairman Walter left the hearing room.)

Mr. MCNAMARA. The editorial opened with the following words:

IN THE NAME OF JUSTICE, a monstrous blow against the Constitution and its Bill of Rights was struck last Monday by a bare majority of the Supreme Court.

The next to the last paragraph in this editorial reads as follows:

The actions of the American people today can help to negate the action of the Supreme Court. Everyone should mobilize his union local, his organizations, his church group, the people in his neighborhood to protest to President Kennedy at the White House, Washington, D.C., against this violation of the Constitution and to demand that he and his attorney general hold up application of these laws.

The Worker followed up with an editorial entitled "Prejudice On The Bench," in the issue of June 18 in which, among other things, it stated:

The people will indeed have to do something about this ruling.

MCNAMARA EXHIBIT No. 7

[The last paragraph of this editorial reads as follows:

The reactionaries will not have their way if everybody joins with his neighbors, with his shop mates, in his union, in his church group and other organizations to wire and write President Kennedy at the White House, Washington,

D.C., protesting the Supreme Court ruling and demand that he call off his brother, Attorney General Robert Kennedy, who seems ambitious to start a new witchhunt.]

Again, the Worker of September 24. Here they refer, the Communist Party newspaper refers, to the National Assembly for Democratic Rights. The editorial is entitled "Welcome to Liberty Fighters":

Welcome to the devoted men and women who this weekend will consider how best America's democratic forces shall be gathered for the defense of the Bill of Rights.

Several recent events in which worker supporters have been concerned point up for our readers the seriousness of the issues with which the National Assembly for Democratic Rights is dealing.

The editorial ends with the following statement:

The participants in the National Assembly deserve the active support of all Americans. New Yorkers can begin to renew their fight for democratic rights by attending the welcoming rally Saturday night, September 23, in St. Nicholas Arena, 69 West 66th St., at 8 p.m.

Mr. NITTLE. Perhaps you ought to explain in a word the use, here again, of Communist semantics in this propaganda effort to discredit the Internal Security Act. The Communist Worker frequently urges that this is an effort by the Communists to restore "democratic rights." Are they interested in democratic rights? What do they mean by "democratic rights"?

Mr. MCNAMARA. To the Communist Party, "democratic rights" means completely free rein for them to, by subversion, destroy this nation; the license to do anything at all, without restraint of any kind.

Mr. NITTLE. It is rather strange that the Communist Party should get exercised about this case. Not one of the Supreme Court Justices, with the exception of Justice Black, has found the Internal Security Act to be an invasion of the rights of free speech. So that when a Communist says the Internal Security Act is an invasion of democratic rights, what he means is that this is an invasion of his "right" to destroy American freedom.

Mr. MCNAMARA. This is true.

Mr. NITTLE. Perhaps I should ask another question of you as research director. Do you find that in your research and studies of Communist Party propaganda and literature that Communists habitually and deliberately employ at all times a peculiar language of their own, described variously as new-speak, upside-down, or double talk, and Aesopian language?

Mr. MCNAMARA. I do.

MCNAMARA EXHIBIT NO. 8

[Continuing with the reaction of the U.S. Communist Party press. The Worker of June 25, in an editorial entitled "The Supreme Court Ruling: An Opening to the Right", referred to the Supreme Court decision of June 5 as "infamous". The editorial ended with the following words:

* * * it is in the self-interest of all Americans who cherish their rights to join actively in the fight to uphold the Constitutional rights of the Communists lest the liberties of all be lost.

Political Affairs of July 1961, in addition to publishing the full text of the previously mentioned Open Letter to the American People, featured a lengthy 11-page editorial under the title "A Fateful Moment: The Supreme Court and the Communists." The editorial closed with the following words:

> Political Affairs has fought the Smiths and the McCarrans in the past; it fights them in the present; it will fight them in the future. We know our readers will join us in this; that all friends of decency and democracy will join us in this; that millions and millions throughout the world who treasure peace and justice will join us in this.
>
> We will win because we are right. We will win and cast off from our land the shadow momentarily over us.

So that the readers of the Worker, as well as those of Political Affairs, would get this message, excerpts from this Political Affairs editorial, including the closing words I have just read, were published in the Worker of July 30, on page 5.

Mr. NITTLE. Now, Mr. McNamara, you have told us about the reaction of the Communist Party in the United States. You have told us about the reaction of Communist leaders. You have told us about the reaction of the United States Communist press. In the decision of June 5, 1961, the United States Supreme Court upheld the finding of the Subversive Activities Control Board, which was expressed by Justice Douglas as follows:

> The Subversive Activities Control Board found, and the Court of Appeals sustained the finding, that petitioner, the Communist Party of the United States, is a "disciplined organization" operating in this nation "under Soviet Union control" to install "a Soviet style dictatorship in the United States."

Justice Douglas went on to say:

> Those findings are based, I think, on facts; and I would not disturb them.

This finding indicates that there is a relationship between the Communist Party of the U.S. and Communist leadership in the Soviet Union. If so, we would expect to find some reaction in the international Communist press to this very decision of the United States Supreme Court.

Did you examine the international Communist press to determine if there was such a relationship?

Mr. MCNAMARA. I did.

Mr. NITTLE. And what did you find?

Mr. MCNAMARA. Summarizing, I could say this. The Communist Parties of Canada, Great Britain, France, Japan, India, Burma, New Zealand, Italy and West Germany (which Communist Party, by the way, is illegal and underground) have all communicated to the American Communist Party published statements denouncing the Supreme Court decision and pledging their solidarity with the United States Communist Party in its campaign to destroy the Internal Security Act.

In addition, various Communist publications in foreign lands—the London Daily Worker, the People's Daily and also Ta Kung Pao in Peking; Communist newspapers in Czechoslovakia, Rumania, Bulgaria, Denmark and North Korea—have all joined in this international Communist movement, denouncing the U.S. Supreme Court, vilifying this Nation because of the Supreme Court's decision, charging us with fascism, and pledging their support to the American Communist Party.

I might also bring out the fact that on June 6 of this year, the day after the Supreme Court handed down its decision, Moscow radio carried word of it to Finland, for example, in the Finnish language.

Now, I have also examined international Communist publications. I have before me a reproduction of the New Times, which is published by TRUD in Moscow in eight different languages. This is the issue of June 21, 1961. This international Communist organ featured an editorial on the Supreme Court decision entitled "Fear of Progress," page 2, in which it states:

The initiators of this new campaign against the Communist Party want to bring the United States in line with Hitler and Adenauer Germany, Franco Spain and Salazar Portugal * * *

I also have before me a reproduction of the World Marxist Review of August 1961. The World Marxist Review, published in Toronto, Canada, is the English language edition of Problems of Peace and Socialism, which is published in Prague, Czechoslovakia, in 18 different languages and distributed throughout the world. This issue of World Marxist Review features a two-page denunciation of the U.S. Supreme Court decision under the title "Against the Persecution of Democrats." It points out that the U.S. Communist Party, as a result of this decision, has won the support of the French Communist Party and others and it states:

The task now is to press for annulment of the Supreme Court decisions.

It ends with these words:

Progressives everywhere are replying to the anti-democratic "crusade" of world reaction against the Communist movement by heightening their vigilance, cementing their ranks, and intensifying the struggle against the imperialist reactionaries.

Mr. NITTLE. You might note, Mr. McNamara, at this point again, the use of semantics which is characteristic, apparently, not only of the Communist press in America but the international press of which the American press is a part. They refer to——

Mr. SCHERER. You mean the American Communist press.

Mr. NITTLE. Yes.

They talk about opposition to the Supreme Court decisions as a policy that would be followed by "progressives."

Evidently they mean by "progressives," do they not, those people who support the Communist line?

Mr. MCNAMARA. That is true.

Mr. NITTLE. They apply to their own program and policies words or semantics which would seem to make what they are doing quite attractive, whereas everything that a democratic country does, such as the United States, they refer to as Hitlerian or Fascist. Is this with a purpose?

Mr. MCNAMARA. Yes. The whole purpose of this was really covered very well in Mr. Walter's opening remarks when he said the major weapons of the Communist Party are deceit and concealment. This is their weapon of deceit, to turn the truth upside down by clever, deceitful Communist Party propaganda and thus enlist in these projects persons would never give their support to the projects if they understood them.

It is primarily the weapon of language, deceitful language, that the Communists use to achieve this purpose.

Continuing on the reaction of the Communist Party press, worldwide: the London Daily Worker, for example, I am quoting this from the Worker of this country, June 18, 1961, page 2, made the following statement, referring to the Supreme Court decision:

"The defeat of this assault on democracy is the most vital concern of all socialists,"—by that they mean Communists—"trade unionists and democrats in all countries."

There is another interesting item which appeared in the Worker of July 9 this year, page 3, giving the text of an Indian Communist Party statement. The statement of the Indian Communist Party conveyed—

warmest greetings to its undaunted and indomitable comrades in the U.S.

It continues:

It [the Indian Communist Party] calls upon all its members, units and friends to send strong letters of protest to the U.S. Embassy—

that is in India.

The same item quotes at length from a statement sent to the U.S. Communist Party by the Central Committee of the French Communist Party through its leader, General Secretary Maurice Thorez. At one point in his statement, he says:

I wish to express our full solidarity with the valiant Communist Party of the United States * * *

The Canadian Communist Party, according to the same issue of The Worker, page 10, issued a statement in which it said, in part:

Convinced that the pressure of public opinion outside the United States is of great importance, we urge our readers to write to President John F. Kennedy to tell him that Canadians, too, want an end to fascist-like laws in the United States which we view as a threat to our own peace and security.

The Danish Communist Party newspaper made the following statement, this, again, taken from The Worker of July 9, 1961, page 10:

The action against the Communists of the USA is an attack on all democrats and, therefore, all sincere adherents of freedom must give expression to solidarity with the Communists of the USA.

I would like to conclude the exhibits on this point with the following statement contained in a Communist newspaper published in Rumania, "Scinteia," the organ of the Rumanian Workers [Communist] Party. This is from the Worker of July 30, page 3 of its Midwest section:

The Communists and progressive people everywhere expressed their deep solidarity with the courageous struggle waged by the Communist Party of the U.S.A., a struggle which nobody and nothing can hinder.

McNAMARA EXHIBIT No. 9

[The Worker of July 9, 1961, page 10, reveals that the Japanese Communist Party had turned over to U.S. Embassy officials in that country a letter of protest which said in part:

The recent plot hatched by the Supreme Court and government tears off the mask of democracy worn by U.S. imperialism and clearly shows that it is the main pillar of world reaction and sworn enemy of the peoples the world over.

The previous mentioned New Times, issue of July 12, 1961, pages 30 and 31, used a review of a book on American courts, published in this country, as a vehicle for attacking the Supreme Court and its Internal Security Act decision. The following statement was contained in this review:

> Now we are witnessing an ever cruder trampling of the law by the same system of American justice. By the recent Supreme Court ruling the American Communist Party has virtually been outlawed; * * *.

The September 3, 1961, issue of The Worker, page 11, under the headline "Messages from Abroad", revealed that the Communist Party of Burma had sent a message to the U.S. Communist Party declaring that "there is no doubt" that the "just and glorious struggles" of the U.S. Communist Party against the "fascist" Smith and McCarran Acts "will finally triumph."

This item also indicated that the Communist Party of the U.S. had received a statement from the National Secretariat of the Communist Party of New Zealand which urged that resolutions and messages be sent to President Kennedy protesting the alleged violation of the U.S. Constitution contained in the Supreme Court decision.

The Tribune, of Sydney, Australia, organ of the Communist Party in that country, according to this same article in The Worker, had featured a lengthy story on the "fight-back" of the U.S. Communist Party.

The Worker of September 17, on page 9, under the headline "India Labor Leader Says CPUSA Can't Be Killed", featured, in a Moscow dispatch, an interview with S. S. Mirajkar, a leader of the India Communist Party. Art Shields, Moscow correspondent for The Worker, pointed out in his dispatch that he had met Mirajkar in Red Square and talked with him for an hour or so. Shields went on, writing of Mirajkar:

> His theme was the class struggle. The Communist Party is the party of the class struggle. And the class struggle will continue until victory is won.
>
> My new friend has followed American political developments for many years. He is aware of the attempt to outlaw the Communist Party by the Smith and McCarran laws. But those attempts will fail, like others before them, he said. "And the rulers of the United States should understand that the Communist Party cannot be destroyed."
>
> That is the lesson of history, he said.

"Britons Visit U.S. Embassy To Hit McCarran Ruling"—this was a headline on page 3 of the July 30 issue of the Worker. The opening paragraph of the dispatch from London, under this headline, read as follows:

> A four-man delegation of British Communist Party leaders presented a statement to the U.S. embassy on July 4 protesting the Supreme Court's action against the U.S. Communist Party.

Under the same headline, a dispatch from Peking revealed that a columnist for the People's Daily had written relative to the Supreme Court ruling that—

> An enormous, shameless plot against democracy is being carried out in the U.S.

and had gone on to state—

Of course, this reactionary intrigue of the U.S. ruling circles can never intimidate the Communist Party of the U.S., nor can it block the resolute struggle of the Party * * *.

In the continuation of this article on page 10 of The Worker of the same date, a dispatch from Sofia, Bulgaria, describing an attack on the Supreme Court decision made by the Communist newspaper Rabotnichesko Delo, read, in part, as follows:

But the efforts of American tyranny, declared this paper, will be of no avail. The American Communist Party, it said, will continue to exist and to point out to the American people the road of progress.

The same article also revealed that Rodong Shimmoon, a Communist newspaper in Pyongyang, capital of Communist North Korea, had published an editorial condemning the Supreme Court decision, which stated that the "ruling circles" of the U.S.—

are engaged in scheming activities in an attempt to find a way out of their present difficult plight. At home they have stepped up all-round fascist attack on the Communist Party of the United States and other democratic forces. And internationally they are carrying out vicious aggressive activities against all forces of national liberation and peace under the pretext of "anti-Communism".

The Worker of June 25, on page 1, featured a statement sent to the U.S. party by the Central Committee of the underground Communist Party of West Germany which stated:

No more than the Adenauer regime can still the voice of the Communists in our land by outlawing the Communist Party of Germany, can the reactionary circles of the USA, through reprisals against your Party, prevent the American Communists from firmly pursuing the battle for the rights of the working people.

Under the headline "World's Communists Aid CPUSA Fight for Rights", the Worker of July 16 featured a statement cabled to the U.S. Communist Party by the Central Committee of the Italian Communist Party, which read, in part, as follows:

We express the active solidarity of the Italian Communists and workers and pledge to inform the Italian people, thus contributing to your struggle against the remnants of McCarthyism still present in the Kennedy administration. On behalf of the central committee of the Italian Communist Party, receive fraternal and warm greetings for full victory in your struggle for freedom and democracy * * *.

Now, I might point out that this reaction of the international Communist Party to the Supreme Court decision, again, is not at all surprising.

Last November, 81 of the world's Communist Parties met in Moscow and on December 5 adopted a so-called "statement" in which they said:

At a time when imperialist reaction is joining forces to fight communism, it is particularly imperative vigorously to consolidate the world Communist movement. Unity and solidarity redouble the strength of our movement and provide a reliable guarantee that the great cause of communism will make victorious progress and all enemy attacks will be effectively repelled. * * *

The interests of the struggle for the working-class cause demand ever closer unity of the ranks of each Communist Party and of the great army of Communists of all countries; they demand of them unity of will and action.

I believe it was simply in line with this international Communist directive, a statement unanimously adopted by the 81 Communist

parties of the world, that the Communist parties of other nations have rallied to the defense and support of the U.S. Communist Party in this campaign.

I think all these documents might be summed up in these words.

As far as the Internal Security Act and the Supreme Court decision of June 5 upholding its constitutionality are concerned, the Communist Parties, the World Communist Movement, has undertaken a vast "operation nullification."

That concludes my testimony.

As I mentioned before, Mr. Nittle, I do have many other exhibits illustrating the points I have mentioned but because of the time element I have not introduced them at this moment.

Mr. NITTLE. Mr. Chairman, under the circumstances, I would ask that Mr. McNamara be excused but with the suggestion that he might be recalled for further testimony and explanation at an appropriate time.

Mr. TUCK (presiding). Let the exhibits to which he referred be filed at the appropriate place in the record. And Mr. McNamara may be excused with the right of counsel to recall him at any appropriate time.

Are there any questions by the committee members?

Mr. SCHERER. Can we not agree that additional testimony and exhibits similar to those which Mr. McNamara referred to be made part of the record after he has had time to evaluate them.

Mr. MCNAMARA. These, sir, are already evaluated but it is just because of the time element that we do not want to put them in the record at this moment.

Mr. SCHERER. You do not want them in the record at this moment?

Mr. MCNAMARA. We do not want to read them into the record.

Mr. SCHERER. You do not want to read them in the record. But what I am saying is, should they not be put into the printed record?

Mr. MCNAMARA. Yes, I believe they should.

Mr. SCHERER. Mr. Chairman, I move that the additional material be inserted in the printed record.

Mr. TUCK. Without objection by the committee, additional material will be inserted in the record.

We thank you very much, Mr. McNamara.

Call your next witness.

Mr. NITTLE. Mr. Chairman, the next witness is Mr. David Duval.

Mr. TUCK. Will you stand and raise your right hand.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DUVAL. Yes, sir.

TESTIMONY OF DAVID DUVAL

Mr. TUCK. Proceed, Counsel.

Mr. NITTLE. Will you state your name for the record, please?

Mr. DUVAL. David Duval, D-u-v-a-l.

Mr. NITTLE. Where do you reside, Mr. Duval?

Mr. DUVAL. I live in New York, sir.

Mr. NITTLE. How old are you?

Mr. DUVAL. Twenty-two.

Mr. NITTLE. What is your present occupation?

Mr. DUVAL. I am senior at Princeton University where I am president of the Princeton Conservative Club.

Mr. NITTLE. What course of study do you follow at Princeton? What is your major or specialty?

Mr. DUVAL. I am majoring in the department of politics, sir.

Mr. NITTLE. Did you have occasion to attend any meetings of the National Assembly for Democratic Rights at St. Nicholas Arena on September 23 and September 24, 1961, in New York City?

Mr. DUVAL. Yes, sir, I did.

Mr. NITTLE. What was the occasion for your attending these particular rallies?

Mr. DUVAL. Well, sir, I generally try to read the Congressional Record as often as possible and I believe that I first heard of it in a speech by Congressman Walter.

Because I have a general interest in propaganda, political activity, political warfare, I went to this meeting out of academic interest and personal curiosity.

I would like to state for the record that I was not then, nor am I now, in sympathy with the declared objectives of that Assembly.

Mr. NITTLE. Congressman Walter, in the speech to which you referred, mentions a meeting sponsored by the Emergency Civil Liberties Committee which was to be held the day before, that is on September 22, 1961, at Carnegie Hall. Did you also attend that preliminary meeting on September 22?

Mr. DUVAL. Yes, sir. I did.

At that meeting various pamphlets and leaflets were given out.

Mr. NITTLE. We are not interested in what was said at that meeting, nor are we particularly interested in what occurred, beyond the fact that it appears in the "Call" for the rally at St. Nicholas Arena of the National Assembly for Democratic Rights. There is a reference made in the "Call" to a rally to be held at Carnegie Hall, and the notation appearing therein is to the effect, "We urge all those coming to the Assembly to join with thousands of New Yorkers in a rally sponsored by the Emergency Civil Liberties Committee in support of the victims of the Hollywood blacklist, Friday, September 22."

I would like, Mr. Chairman, to have the "Call" issued by the sponsors of the National Assembly for Democratic Rights to be marked "Duval Exhibit No. 1" and entered in the record.

Mr. TUCK. Let the document be so marked in the record.

DUVAL EXHIBIT No. 1

SPONSORS (PARTIAL LIST)

Aben Jr., Charles R.
New York, N.Y.
Amantoff, Victor
Colma, Calif.
Anderson, Mrs. Bertha
Minneapolis, Minn.
Baird, Rev. William T.
Chicago, Ill.
Ball, Rev. Lee H.
Ardsley, N.Y.
Beller, Prof. Irwin R.
Meadville, Pa.
Hon. Elmer A. Benson
Appleton, Minn.
Billings, Warren K.
San Francisco, Calif.
Binford, Jessie F.
Chicago, Ill.
Bodde, Prof. Derk
Philadelphia, Pa.
Branch, Prof. G. Murray
Atlanta, Ga.
Brewer, James L., Esq.
Rochester, N.Y.
Brindley, Rev. Clinton E.
Stoughton, Mass.
Bryant, Valeda J.
Palo Alto, Calif.
Burgum, Prof. Edwin Berry
New York, N.Y.
Carney, Edwin H.
Menlo Park, Calif.
Carney, Isobel M.
Menlo Park, Calif.
Chamberlain, Rev. Mark A
Gresham, Ore.
Champhe, Emil A.
Portland, Ore.
Corey, Paul
Sonoma, Calif.
Crane, Dr. Henry Hitt
Detroit, Mich.
Dawson, Dr. Percy M.
Los Altos, Calif.
Dean, Mas, Esq.
Flint, Mich.
Dubois, Dr. W. E. B.
Brooklyn, N.Y.
Eldridge, Dr. Lewis A. Jr.
Rennselaerville, N.Y.
Fishman, Moe
New York, N.Y.
Frazier, Elizabeth P.
Philadelphia, Pa.
Fritchman, Rev. Stephen
Glendale, Calif.
Furst, Dr. Joseph B.
New York, N.Y.
Graham, Shirley
Brooklyn, N.Y.
Gundlach, Dr. Ralph H.
New York, N.Y.
Gwathmey, Robert
New York, N.Y.
Haenzler, Carl
Detroit, Mich.
Hellman, Vincent, Esq.
Ross, Calif.
Hamiltoo, Dr. Alice
Hadlyme, Conn.
Harrison, William
Boston, Mass.
Hart, Pearl M., Atty.
Chicago, Ill.
Haven, Dorothy
Falls Village, Conn.
Herrick, Marian E.
Los Angeles, Calif.
Hill, Rev. Charles A.
Detroit, Mich.
Hoersch, Victor A.
Champaign, Ill.
Howard, Daniel
Windsor, Conn.
Hughes, Rev. Kenneth
Cambridge, Mass.
Johnson, John L.
Crosby, Minn.
Johnson, Dr. Oakley C.
New York, N.Y.
Kamen, Samuel
Brooklyn, N.Y.
Kent, Rockwell
New York, N.Y.
Lenel, Irmgard
Santa Monica, Calif.
Londe, Dr. Sol
St. Louis, Mo.
Love, Rabbi Edgar A.
Baltimore, Md.
MacMartin, Helen H.
Burlington, Vt.
McArthur, Prof. Harvey K.
Hartford, Conn.
McManus, John T.
Monrroe, N.Y.
McNeill, Prof. John T.
East Middlebury, Vt.
McTernan, John T., Esq.
Los Angeles, Calif.
Marinsky, Harry
Bowington, Conn.
Marsh, Lafayette McW.
La Grange, Ill.
Mayer, Dr. Leo
New York, N.Y.

A CALL TO ACTION
IN DEFENSE OF THE CONSTITUTION OF THE UNITED STATES
FOR THE PRESERVATION OF THE BILL OF RIGHTS

TO ALL - Trade Unions, Negro People's Organizations, National Group Organizations, Civic, Fraternal and Community Organizations, Youth and Women's Organizations.

To Americans concerned with the preservation of our democratic liberties.

YOU ARE INVITED TO ATTEND

A NATIONAL ASSEMBLY FOR DEMOCRATIC RIGHTS

SATURDAY AND SUNDAY, SEPTEMBER 23rd AND 24th

NEW YORK CITY

ST. NICHOLAS ARENA 69 W. 66th ST.

THE NATIONAL ASSEMBLY FOR DEMOCRATIC RIGHTS is a single-action undertaking. It is confined to bringing together in NYC, on September 23-24, an all-inclusive gathering—from all parts of the United States—of representatives and supporters of every plea for reversal or non-application of the June 5th decisions of the Supreme Court on the Smith and McCarran Acts. Its object is to rally public opinion and give organized voice to the defense of Constitutional freedoms endangered by these five-to-four rulings of the Court.

SPONSORS (continued)
Mellah, Rev. William Howard
Brooklyn, N.Y.
Moffatt, Hon. Stanley
Los Angeles, Calif.
Monroe, James O.
Collinsville, Ill.
Morford, Rev. Richard
New York, N.Y.
Mulzac, Capt. Hugh
Jamaica, N.Y.
Murphy, George B., Jr.
Washington, D.C.
Nelson, Walter M., Esq.
Detroit, Mich.
Newell, Rev. J. Pierce
Madison, N.J.
Nast, Beatrice
New York, N.Y.
Pauling, Prof. Linus
Pasadena, Calif.
Peet, Rev. Edward L.
Sacramento, Calif.
Phelps, Dr. Dryden Linsley
Berkeley, Calif.
Pope, Prof. Arthur Upham
Warren, Cornwall Bridge, Conn.
Powe, Ralph E., Esq.
Brooklyn, N.Y.
Reynolds, Bertha C.
Stoughton, Mass.
Rosebury, Prof. Theodore
St. Louis, Mo.
Schachter, Simon, Esq.
New York, N.Y.
Schmidt, Emma
Chicago, Ill.
Slater, Thomas L.
Chicago, Ill.
Smith, Prof. Louise Pettibone
Winchester, Conn.
Spofford, Rev. William B.
Tunkhannock, Pa.
Taylor, Mrs. Pauline
Youngstown, Ohio
Uphaus, Dr. Willard
Conway, N.H.
Urey, Prof. Harold C.
La Jolla, Calif.
Vao Kleeck, Dr. Mary
Woodstock, N.Y.
Vincent, Mrs. Clara M.
Livonia, Mich.
Waser, Rev. William Campbell
Boulder Colo.
Waterman, Prof. Leroy
Ann Arbor, Mich.
White, Rev. Eliot
Arlington, Mass.
Willcox, Prof. Beruam F.
Ithaca, N.Y.
Wood Rev. Leland Foster
Rochester, N.Y.

Let The Voice Of The People Be Heard!

On June 5, 1961, by a narrow vote of 5 to 4, the U.S. Supreme Court upheld the order of the Subversive Activities Control Board ordering the Communist Party to register, under the Internal Security Act of 1950, generally known as the McCarran Act.

Vigorous dissenting opinions against the narrow majority were expressed by Chief Justice Earl Warren and Justices Black, Douglas and Brennan. These Justices raised important Constitutional objections which have not been acted upon by the majority of the Court.

Also on June 5th that same narrow majority of the Supreme Court upheld the membership clause of the now discredited Smith Act. This act denies the traditional rights guaranteed by the Constitution to Americans who join or support a minority political group or party.

By taking our stand with the Supreme Court minority we do not commit ourselves to the views of any organization or of any individual who is or may become a victim of the law. We join ourselves with them only in defending the freedom guaranteed by the Constitution. Defensive action of this kind is imperative not only for these individuals, but for all Americans.

The McCarran Act carries a built-in verdict of guilt as international conspirators and foreign agents against all those Americans who register under it. It requires the registration of printing presses, mimeograph machines, typewriters and labelling of all communications. Like Hitler's edict requiring Jews to wear the star of David to distinguish them from all other Germans, so the McCarran Act requires that Americans not conforming with the status quo must also be branded. The act promulgates the dangerous theory of "parallelism" of ideas -- defining as "Communist front" those organizations whose views may merely coincide with those of Communists. This would automatically place a multitude of organizations of Americans who may advocate liberal, democratic, anti-fascist, pro-peace programs in the category of "Communist front" organization. No one who opposes the cold war, racism and reaction in any form is safe from persecution.

"It is already past the time when people who recognize and cherish the life-giving and life-preserving qualities of the freedoms protected by the Bill of Rights can afford to sit complacently by while these freedoms are being destroyed."
-- Justice Black in the Wilkinson case.

PROPOSED PROGRAM FOR NATIONAL ASSEMBLY

SATURDAY, SEPTEMBER 23rd

SESSION OPENS 1 P.M. REGISTRATION WILL START 10 A.M.

1. Assembly called to order - Organization of Assembly -- 1 to 1:30 P.M.

2. Opening Address - "THE McCARRAN-SMITH ACTS vs THE CONSTITUTION AND THE BILL OF RIGHTS" 1:30 to 2:30 P.M.

3. THE McCARRAN ACT -- A THREAT TO ALL AMERICANS 2:30 to 4:30 P.M.

   Reports: The Effects of McCarran-Smith Acts on
   a) LABOR
   b) THE NEGRO PEOPLE
   c) THE FOREIGN BORN AND NATIONAL GROUPS
   d) ACADEMIC FREEDOM

4. Recess for dinner 5 P.M. to 7:30 P.M.

5. GIANT FREEDOM RALLY. THE PEOPLE OF NEW YORK GREET THE NATIONAL ASSEMBLY. ST. NICHOLAS ARENA 69 W. 66th ST. PROMINENT SPEAKERS -- GALA ENTERTAINMENT 8 P.M.

SUNDAY, SEPTEMBER 24th

SESSION OPENS AT 10 A.M.

1. THE VICTIMS OF THE McCARRAN ACT PRESENT THEIR CASE TO THE PEOPLE. 10 to 10:30 P.M.

2. "THE CONSTITUTION vs THE PROSECUTION" (the June 5th 5 to 4 Supreme Court decision) 10:30 to 11 P.M.

3. THE PEOPLE ORGANIZE TO DEFEND THE VICTIMS OF THE McCARRAN-SMITH ACT 11 A.M. to 1 P.M.

   Regional panel sessions - I- New York region
   II Atlantic-Southern region
   III Midwest region
   IV West Coast region (including Rocky Mt. States, Hawaii and Alaska)
   V New England region
   VI Mid-Atlantic region (N.J., Pa., Md., Wash. D.C.)

4. Recess for Lunch 1 to 2 P.M.

5. REPORTS TO PLENARY SESSION FROM REGIONAL PANEL DISCUSSIONS 2 to 3 P.M.

6. ADOPTION OF MOTIONS AND RESOLUTIONS 3 to 3:30 P.M.

7. ADJOURNMENT 4:00 P.M.

ALL SESSIONS AT ST. NICHOLAS ARENA

WE URGE ALL THOSE COMING TO THE ASSEMBLY TO JOIN WITH THOUSANDS OF NEW YORKERS IN A RALLY SPONSORED BY THE EMERGENCY CIVIL LIBERTIES COMMITTEE IN SUPPORT OF THE VICTIMS OF THE HOLLYWOOD BLACKLIST. - FRIDAY SEPT. 22 - 8 P.M. Carnegie Hall 57 St. and 7th Ave.

FROM THE DISSENTING OPINIONS OF.....

CHIEF JUSTICE WARREN

"I do not think that the Court's action can be justified....I think it is unwise for the Court to brush aside the non-constitutional errors disclosed by this record. However....I believe that the Act does constitute a violation of the Fifth Amendment."

JUSTICE BLACK

"When the practice of outlawing parties and various public groups begins, no one can say where it will end."--

"In my judgment, this country's internal security can better be served by depending upon the affection of the people than by attempting to instill them with fear and dread of the power of government."

JUSTICE DOUGLAS

"The great injustice in what we do today lies in compelling the officials of the Party to violate this law before their constitutional claims can be heard and determined. Never before, I believe, have we forced that choice on a litigant."

JUSTICE BRENNAN

"Whether these officials, consistently with the Fifth Amendment privilege, can be required to complete, sign and file the statement is a serious constitutional question."

ORGANIZATIONS ON RECORD AGAINST THE McCARRAN ACT

The opponents to the McCarran Act include the A. F. L., C. I. O., Brotherhood of Railroad Trainmen, National Farmers Union, Society of Friends, American Unitarian Association, National Fraternal Council of Negro Churches, American Civil Liberties Union (ACLU), Americans for Democratic Action, American Association of University of Professors, National Association for the Advancement of Colored People (NAACP), Council for Social Action of Congregational Christian Churches, United Council of Church Women, American Jewish Congress, Womens International League for Peace and Freedom, National Council of Jewish Women, American Veterans Committee, National Community Relations Advisory Council, National Lawyers Guild, Association of the Bar of the City of New York, Episcopal League For Social Action, Emergency Civil Liberties Committee.

- REGISTRATION BLANK -
(please detach and mail to National Assembly for
Democratic Rights - 118 E. 28th St., Rm. 703, New York 16, N.Y.

NAME _____ ADDRESS _____
(please print) (please print)

CITY _____ ZONE ____ STATE _____

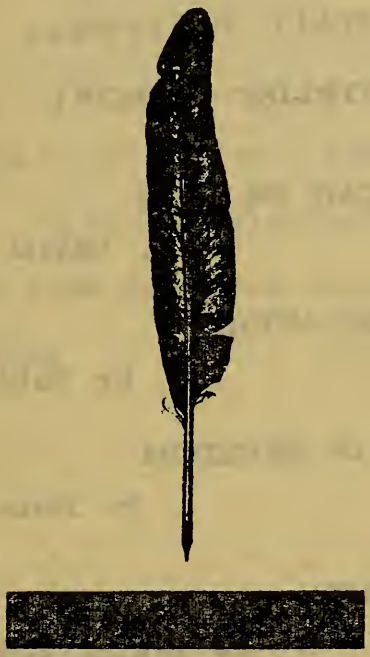
REGISTRATION FEE $2.00 (includes admission to Giant Freedom Rally)

Enclosed please find $_____ which includes registration fee and my contribution to help finance the National Assembly for Democratic Rights.

Mr. NITTLE. I call your attention to a document marked "Duval Exhibit No. 2" which is a program of that particular meeting of the Emergency Civil Liberties Committee. Where did you receive that?

Mr. DUVAL. I received that while in my seat at the meeting, sir.

DUVAL EXHIBIT NO. 2



PROGRAM

CARNEGIE HALL September 22, 1961

DR. CORLISS LAMONT, Chairman

ONE THAT CAN BE WON

. DAVID SHAPIRO

'OLD FATHER ANTIC'

. by Philip Stevenson

'8,000 FEET OF FREEDOM'

. by Herbert Biberman

'VICTOR HUGO'

. by Albert Maltz

'A WOMAN'S LIFE'

GALE SONDERGAARD

YOU AND THE BLACKLIST

HERBERT BIBERMAN

..WHEN I WAS SO RUDELY INTERRUPTED

. NEDRICK YOUNG

EMERGENCY CIVIL LIBERTIES COMMITTEE
421 Seventh Avenue
New York 1, New York

I pledge to get or give in 1961

$_____ to help end Blacklisting

and the House Un-American Activities

Committee.

Name . . . . . .

Address . . . . . .

Mr. NITTLE. There is another item marked "Duval Exhibit No. 3," a card which appears to be a notice that tickets are available for the "Leningrad Ballet," at the Emergency Civil Liberties Committee, 421 Seventh Avenue. Where did you receive that advertisement?

Mr. DUVAL. That was also given to me while I was sitting in my seat, sir.

DUVAL EXHIBIT NO. 3

LENINGRAD BALLET TICKETS AVAILABLE ! !

"G A L A NO. II"

BEST ORCHESTRA SEATS

Wed. Sept. 27 and Fri. Sept. 29

Emergency Civil Liberties Committee
421 Seventh Ave. OX 5-2863

Mr. NITTLE. I ask, Mr. Chairman, all other documents being presented during the hearings be marked for identification and made a part of the records of the committee, or inserted in the record as the committee may determine.

Mr. TUCK. So ordered.

Mr. NITTLE. There is also an item, marked "Duval Exhibit No. 4," a leaflet titled "For Pete's Sake!" Apparently a reference to Pete Seeger, the folk singer who is now [sentenced to be] incarcerated for contempt of Congress because of his failure to respond to questions of this committee with reference to his Communist activities.

Where was that leaflet distributed?

Mr. DUVAL. That was being given out both on the street and in the open foyer of Carnegie Hall.

(Document marked "Duval Exhibit No. 4," and retained in committee files.)

Mr. NITTLE. I show you an item marked "Duval Exhibit No. 5," a leaflet entitled "Back to McCarthyism?" which appears to be an advertisement of the National Assembly for Democratic Rights rally to take place Saturday and Sunday, September 23 and 24, at St. Nicholas Arena. It advertises the "Dean of American Civil Libertarians," Dr. Harry F. Ward, and other "prominent speakers."

Where did you receive that particular leaflet?

Mr. DUVAL. That was given to me in the foyer of Carnegie Hall.

(Duval exhibit No. 5 appears on p. 175.)

Mr. NITTLE. How long did the rally of the Emergency Civil Liberties Committee last at Carnegie Hall?

Mr. DUVAL. Dreadfully long, sir. I would imagine from about 8:45 p.m. until about 11:15 p.m.

Mr. NITTLE. Now, the following evening, did you attend the rally at St. Nicholas Arena of the National Assembly for Democratic Rights?

Mr. DUVAL. Yes, sir; and prior to that I attended the afternoon session, starting at about 1:30.

DUVAL EXHIBIT No. 5

Back To McCarthyism?

Only YOU and

millions of democratic minded Americans like yourself can answer the question.

We, the sponsors of the National Assembly for Democratic Rights, invite and urge YOU to join us in attending the National Assembly.

Sat. & Sunday, Sept. 23 & 24

ST. NICHOLAS ARENA

69 W. 66 Street

Assembly Convenes Saturday, Sept. 23 • 1 P.M.

Add your voice to the thousands against the return of McCarthyism

at

GIANT RALLY

SATURDAY, SEPT. 23 – 8 P.M.

●

HEAR

Dean of American Civil Libertarians

DR. HARRY F. WARD

and other prominent speakers

●

ST. NICHOLAS ARENA

69 W. 66 Street

ADMISSION 99¢ PAY AT DOOR

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ISOBEL M. CERNEY
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ELIZABETH P. FRAZIER
Philadelphia, Pa.
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Glendale, California
DR. JOSEPH B. FURST
New York, N. Y.
DR. CARLTON B. GOODLETT
San Francisco, Calif.
SHIRLEY GRAHAM
New York, N. Y.
DR. RALPH H. GUNDLACH
New York, N. Y.
ROBERT GWATHMEY
New York, N. Y.
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Hadlyme, Conn.
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Detroit, Mich.
DANIEL HOWARD
Windsor, Conn.
REV. KENNETH HUGHES
Cambridge, Mass.
DR. OAKLEY C. JOHNSON
New York, N. Y.
ROCKWELL KENT
New York, N. Y.
RABBI ABRAHAM KRANTZ
Greensburg, Pa.
DR. SOL LONDE
St. Louis, Mo.
BISHOP EDGAR A. LOVE
Baltimore, Md.
PROF. HARVEY K. McARTHUR
Hartford, Conn.
JOHN T. McMANUS
Montrose, N. Y.
PROF. JOHN Y. McNEILL
E. Middlebury, Vermont
DR. J. M. MAKSALKA
New Haven, Conn.
DR. LEO MAYER
New York, N. Y.
REV. WILLIAM HOWARD MELISH
Brooklyn, New York
HON. STANLEY MOFFATT
Los Angeles, Calif.
REV. RICHARD MORFORD
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CAPT. HUGH MULZAC
Jamaica, New York
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Long Island City, N. Y.
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Conway, New Hampshire
DR. HAROLD C. UREY
La Jolla, Calif.
DR. MARY VAN KLEECK
Woodstock, N. Y.
REV. WM. CAMPBELL WASSER
Boulder, Colo.
PROF. LEROY WATERMAN
Ann Arbor, Mich.
REV. ELIOT WHITE
Arlington, Mass.
PROF. BERTRAM F. WILLCOX
Ithaca, New York
REV. ROY M. WINGATE
Grenta, Nebr.
REV. LELAND FOSTER WOOD
Rochester, New York

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(At this point, Mr. Bruce entered the hearing room.)

Mr. NITTLE. The first session as advertised was that which was to occur in the afternoon of Saturday, September 23, 1961. When did you arrive at the meeting?

Mr. DUVAL. I arrived about 12 o'clock to register and I went out for lunch and came back about 1 o'clock.

I went inside. There were a number of tables of literature set up, just upstairs as you came up off the top of the stairs. I looked at those for a while. I went and sat down.

Then the meeting didn't get underway until about 1:30, 1:45.

Mr. NITTLE. You spoke of registration at about 12 noon.

Mr. DUVAL. Yes, sir.

Mr. NITTLE. Will you describe the registration? What was it meant to be?

Mr. DUVAL. I just walked in the door of St. Nicholas Arena, gave them $2, signed my name to a card, and they gave me a packet of literature.

Mr. NITTLE. Was the registration required for your admission to the meeting?

Mr. DUVAL. I imagine so. I didn't bother to ask. I just did it as a matter of course.

Mr. NITTLE. Do you have the packet of literature that was handed to you?

Mr. DUVAL. Yes, sir; I do. It unfortunately has gotten mixed up with other literature that I picked up the rest of the weekend at the National Assembly rally.

Mr. NITTLE. Was all of this literature that you are referring to available at the rally itself?

Mr. DUVAL. Yes, sir. If it was not being handed out or found on the tables at the back of the room or even actually on the tables in the arena, some of it was handed outside on the street. Particularly the newspapers were handed out on the street.

Mr. NITTLE. After registration, you returned later in the afternoon, about 1:30 p.m., for the rally.

Mr. DUVAL. The rally was called to order, I believe, by a gentleman by the name of Joseph Brandt.

Mr. NITTLE. Before you tell about the opening of the session, were you ushered to a particular place?

Mr. DUVAL. No, sir. When I came in I was quite early as it later appeared, and there were several young people sitting together up at some tables just to the left of the stage. I sat down with them. I introduced myself as David Duval. I immediately saw that I had committed a great faux pas because each one of them introduced themselves by their first name only.

Mr. NITTLE. How was the interior of the building arranged for this meeting?

Mr. DUVAL. The floor of the arena was covered with tables and chairs arranged in long lines, unbroken, from the stage to the back, so you could walk straight up to the stage and back. There were some crosswalks, too.

Mr. NITTLE. Were there any seating arrangements within the building for particular groups or persons?

Mr. DUVAL. There were signs at various points throughout the arena saying such things as Middle Atlantic region, Far West, New York. I sat down at the Middle Atlantic region because New Jersey was included in that classification. Going to Princeton, I decided I would join that group.

Mr. NITTLE. Were the seating arrangements as to regions only, or were there other arrangements as well, such as youth groups?

Mr. DUVAL. At the beginning of the rally there was no separate seating for the youth groups. It was purely regional. It was later on that they tried to get all the youths together.

Mr. NITTLE. What occurred after you took your seat with the Middle Atlantic regional group?

Mr. DUVAL. After I sat down there was something of a wait. So I began leafing through my literature, passing time of day with the young people near me. Not much happened until the meeting was called to order.

Mr. NITTLE. By whom was it called to order?

Mr. DUVAL. It was called to order by a man who I later found out to be Joseph Brandt.

Mr. NITTLE. Mr. Chairman, for the information of the committee and for the record, I would like to state that Joseph Brandt, or Joe Brandt, was identified as a member of the Communist Party in hearings before this committee by John J. Edmiston on July 13, 1950.

Also, Joseph Brandt has a long public record as a Communist. He was a Smith Act defendant in Cleveland, a member of the State Committee and State Board of the Communist Party of Ohio, and has been very active in Communist Party activities for many years.

Do you recollect how many people were on the platform at the time Joseph Brandt spoke?

Mr. DUVAL. When he first began to speak I believe he was the only one on the platform. It was a bit later that people began to wander up there.

Mr. NITTLE. After Joseph Brandt spoke, did he introduce anyone? Tell us what happened after that.

Mr. DUVAL. Sir, because I was a bit flustered at my first meeting of this kind, my notes are rather incomplete until John Abt spoke, so I would like to refrain from saying what went on from between the time the meeting was called to order and Mr. Abt began to speak.

Mr. NITTLE. Who introduced Mr. Abt?

Mr. DUVAL. I do not remember, sir. I do not remember who was running this meeting, who was introducing the speakers.

It is very possible that I wouldn't know anyway because so many of these names are relatively new.

Mr. NITTLE. You recollect Joseph Brandt being the speaker and then what do your notes reveal as the next speaker in line? Was that John Abt to whom you just referred?

Mr. DUVAL. Yes, sir. I have marked that there was something else in between there. I just don't remember what it was.

Mr. NITTLE. I believe you have some literature on your desk, relating to John Abt, which was given you at the meeting. Is that not correct?

Mr. DUVAL. Yes, sir. I believe this pamphlet was in the original packet that I received although I cannot remember. It is entitled *In the Supreme Court of the U.S. October Term, 1960, No. 12, Communist Party of the U.S. of America, petitioner*, v. *Subversive Activities Control Board*. Mr. Abt is listed at the bottom as one of the attorneys for the petitioner.

Mr. NITTLE. This appears to be a copy of a petition for rehearing, filed in the United States Supreme Court, in which John J. Abt, of 320 Broadway, New York, New York, appears as an attorney for the Communist Party, petitioner, jointly with Joseph Forer of 711 14th Street Northwest, Washington, D.C.

May we mark it "Duval Exhibit No. 6"?

Mr. TUCK. It may be recorded as an exhibit.

(Duval Exhibit No. 6 appears on pp. 178, 179.)

DUVAL EXHIBIT No. 6

IN THE

Supreme Court of the United States

OCTOBER TERM, 1960

No. 12

COMMUNIST PARTY OF THE UNITED STATES OF AMERICA, *Petitioner*,

v.

SUBVERSIVE ACTIVITIES CONTROL BOARD

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

PETITION FOR REHEARING

JOHN J. ABT,
320 Broadway,
New York, N. Y.

JOSEPH FORER,
711 14th St., N. W.,
Washington, D. C.

Attorneys for Petitioner

CERTIFICATE

I certify that this petition for rehearing is presented in good faith and not for delay.

JOSEPH FORER

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22 E. 17 St., N. Y. 3, N. Y. / Room 1525 / WAtkins 9-6662

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Special discount on quantity orders of this pamphlet.

Mr. SCHERER. Counsel, do you happen to have John Abt's long record with which most of us are familiar for insertion in the record?

Mr. NITTLE. Yes, sir. Mr. Chairman, in response to Mr. Scherer's question, the committee has summarized the Communist Party membership of Mr. Abt[1] in one of its documents titled "Communist Legal

[1] *John J. Abt, New York*

Whittaker Chambers testified before this committee on August 3, 1948, that in the early 1930's John J. Abt was a member of the so-called Ware-Abt-Witt group which was composed of Communist Party members employed by various agencies of the United States Government. Abt held legal posts with various United States Government agencies from 1933 until the summer of 1938; he was in the Legal Division of the Agricultural Adjustment Administration of the Agriculture Department when Chambers knew him. Chambers stated that this underground Communist group to which Abt belonged was organized to carry out the Communist Party's plan to work its members into high, policymaking positions in our Government, with espionage as one of its eventual objectives.

Elizabeth Bentley, who served as courier between Soviet agents and Communist employees of the Federal Government in the early 1940's, described another so-called "Perlo group" of Communists in the Government in sworn testimony before this committee on July 31, 1948. The Perlo group, according to Miss Bentley, was an underground group of Communists which had been operating since the early 1930's in the Federal Government and which had been collecting information for the benefit of the Soviet Union for some years. Miss Bentley testified that John Abt was the leader of the Perlo group before she herself took it over in March 1944, and that she met Mr. Abt twice for the purpose of being introduced to the members of the group.

At a hearing by this committee on August 20, 1948, Abt was given an opportunity to refute these charges, but declined to answer questions regarding them on the grounds of possible self-incrimination. As a witness before the Senate Internal Security Subcommittee on May 26, 1953, he again invoked the fifth amendment in refusing to answer questions regarding Communist activities.

In 1948, John Abt became special counsel for the Progressive Party, a Communist-controlled organization through which the Communists were enabled to present their candidates for elective office under other than a Communist label. Abt was a delegate to the second annual convention of the Progressive Party held in 1948 at the Knickerbocker Hotel, Chicago. He was a member of the national committee in 1950 and a member of the committee on candidates' declaration in 1952. The same year he was secretary of the platform committee of the third national convention, held at the Ashland Auditorium in Chicago. The Progressive Party held a dinner to celebrate his 50th birthday in 1954.

John Abt was active in the Civil Rights Congress, an organization formed in 1946 as a merger of two other Communist-front organizations (International Labor Defense and the National Federation for Constitutional Liberties) and dedicated to the defense of individual Communists and the Communist Party. By making special appeals in behalf of civil liberties, the Civil Rights Congress reached far beyond the confines of the Communist Party itself.

In 1953 the Civil Rights Congress held a "Peoples Conference To Fight the McCarran Law Persecutions and McCarthyism." Abt delivered the keynote address in which he attacked the Internal Security Act as an American kind of fascism aimed at paralyzing all opposition. "The act," he said, "is rooted in the Big Lie of our time—the lie as to the nature of communism." He declared that the Communist Party is "condemned for views which concededly may be true and good."

This speech was later published by the Civil Rights Congress in booklet form. In order to lend greater weight to his Communist Party line analysis the booklet listed some of his former positions: "Mr. Abt was formerly chief counsel to the La Follette Civil Liberties Committee (Senate Committee on Education and Labor); special assistant to the United States Attorney General; and general counsel of the CIO Amalgamated Clothing Workers."

In 1937 John Abt was employed by the Department of Justice as an assistant to the Attorney General in charge of the trial section of the Antitrust Division. He was at the same time a member of the committee on civil rights and liberties of the National Lawyers Guild, cited as the foremost legal bulwark of the Communist Party, which, since its inception, has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents.

The November–December 1945 issue of the Lawyers Guild Review, organ of the National Lawyers Guild, contained an article by Abt titled "Some Observations on Soviet Law and Lawyers." Mr. Abt's article was based on his observations during a visit to the Soviet Union in 1945. In spite of the notorious police state justice of the Soviet Union, Abt reported how impressed he was with the stern but fair attitude of prosecutors and judges and the scrupulous care given to safeguard the rights of defendants and to assure them a full and fair trial.

He attended a conference of the World Federation of Trade Unions held in Paris in 1946, acting in the capacity of adviser. In 1947, Abt's passport was again revalidated for travel to Prague, Czechoslovakia, where he attended another conference of the World Federation of Trade Unions, the Kremlin's worldwide labor organization.

After his return to this country, Abt wrote a series of articles for Soviet Russia Today, a Communist-controlled magazine which his wife, Jessica Smith, edited. Two of the articles gave an approbatory report of the methods used by the Russian labor unions to settle grievances and the Russian health insurance plans.

The American Committee for Protection of Foreign Born is one of the oldest auxiliaries of the Communist Party in the United States. John Abt was one of the lawyers saluted at a dinner held under the auspices of the ACPFB in October 1956.

He delivered an address on "What the New Laws Really Mean" at the Arts, Sciences, and Professions Council, Sunday Night Forum in New York, September 24, 1954. This Communist-front organization was used by the Communist Party to appeal to special occupational groups.

Subversion, the Role of the Communist Lawyer," which is House Report 41, 86th Congress, 1st session, dated February 16, 1959.

It may be of interest, however, to note that Whittaker Chambers identified John J. Abt as a member of the so-called Ware-Abt-Witt group which was composed of Communist Party members employed by various agencies of the U.S. Government.

Following Mr. Abt, what do your notes reveal as to the next speaker?

Mr. DUVAL. Joseph Forer spoke.

Mr. NITTLE. Were there any other speakers?

Mr. DUVAL. Yes, sir. The person following Mr. Forer whose name I did not get—I have the title of his speech but I don't know his name.

Mr. NITTLE. We are not concerned with what was said at the meeting.

Mr. DUVAL. I only mentioned that I knew the title of his speech because from other sources you might be able to figure out who the gentleman was.

Mr. SCHERER. Could you give us the title of his speech?

Mr. DUVAL. Yes, sir. He spoke on the McCarran Act and the Negro people.

Mr. NITTLE. The Communist publications covering this meeting indicate that his name was Frank Anglin, A-n-g-l-i-n, an Illinois attorney.

Who was the next speaker?

Mr. DUVAL. Following him, Louise Pettibone Smith spoke.

Mr. SCHERER. At what college does Professor Smith teach?

Mr. DUVAL. I believe she is professor emeritus of Wellesley College. It is somewhere in this pile of literature that I have but I can't dig it out right now.

Mr. NITTLE. And the next speaker?

Mr. DUVAL. Mr. A-r-y-a-y L-e-n-s-k-e.

Mr. NITTLE. Do you know Mr. Aryay Lenske?

Mr. DUVAL. I had seen him once previously at Princeton last spring when he debated in the controversy surrounding this committee and its film Operation Abolition with Mr. Herbert Romerstein. Mr. Lenske was then mentioned in the Daily Princetonian as being an officer of the National Lawyers Guild and a former officer of SLATE.

Following Mr. Lenske, there was one more speaker whose name I have only as Jack, who spoke of labor under the McCarran Act.

Mr. NITTLE. That gentleman is referred to in the Communist press as Jack Provizano of the Amalgamated Meat Cutters, who appeared as a labor spokesman, according to the National Guardian.

Did that conclude the list of speakers according to your notes?

In November of 1954, John Abt was one of the teachers of a course on the "Bill of Rights: Its Theory and Politics," offered at the Jefferson School of Social Science, one of the Communist Party schools used to indoctrinate Communists and outsiders in the theory and practice of communism, and to recruit new party members and sympathizers.

In 1949 Abt issued a statement denouncing the conviction of the 11 Communist leaders under the Smith Act as an imposition of thought control. He was one of the lawyers who signed a brief petitioning the United States circuit court of appeals to avoid the contempt convictions of the lawyers who defended the Communist leaders.

Continuing his support of these party leaders, he was speaker at a rally of the National Conference To Win Amnesty for Smith Act Victims held in New York in June 1952, and was speaker and chairman of a rally of the National Committee To Win Amnesty for Smith Act Victims held at Chateau Gardens, New York, on June 10, 1954.

Mr. DUVAL. Yes, sir; that was the end for the afternoon. They recessed for dinner.

Mr. NITTLE. Now, you attended the evening session, did you not, that Saturday night?

Mr. DUVAL. Yes, sir. There was a rally called for that evening at 8 p.m. It, as usual, got under way late.

Mr. NITTLE. Do you recollect who was chairman at that evening meeting?

Mr. DUVAL. Yes, sir; the Reverend William Howard Melish was appointed chairman for the evening.

Mr. NITTLE. Mr. Chairman, the Reverend William Howard Melish has been identified as a member of the Communist Party by Louis Budenz, who was a former member of the Communist Party, and I would like permission to insert the record pertaining to William Howard Melish at this point.[1]

Mr. TUCK. So ordered.

Mr. NITTLE. Who was the next speaker?

Mr. DUVAL. Following the remarks of Mr. Melish, there was a lawyer and a man by the name of Dr. Frank Brooks. I don't have which order they came in. I'm sorry, I don't have the lawyer's name.

Mr. NITTLE. The press indicates that that was a Mr. Simon Schachter. Does that refresh your recollection?

Mr. DUVAL. I can't remember, sir. I'm sorry.

Mr. NITTLE. The lawyer was followed by a Dr. Brooks, did you say?

Mr. DUVAL. Yes, sir, or else it might have been the other way around.

Mr. NITTLE. Then who came next?

Mr. DUVAL. Dr. Herbert Aptheker.

Mr. NITTLE. Mr. Chairman, I would like to state briefly that Dr. Herbert Aptheker is a prominent Communist leader and editor of the Communist publication, Political Affairs. We would ask leave to submit the committee record.

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[1] *Reverend William Howard Melish*

SACB member David J. Coddaire in his recommended decision, as examiner who took the evidence in the case of *AG* v. *National Council of American-Soviet Fiendship,* June 23, 1955 (Board Docket No. 104–53) made the following assertions concerning the Reverend William Howard Melish:

"The Melish assertion that he never has been a member of the Communist Party is not credible when viewed in the light of his entire testimony * * *.

"The testimony of Budenz showing Melish to be a member of the Communist Party in 1944 is credited. It is concluded that Melish, during this period of his tenure with respondent was a member of the Communist Party. The testimony of Melish, due to the above findings and his manner of testifying, is not credited in the area pertaining to his connection with Communist Party activities."

Melish had appeared as a witness in the SACB hearing, testifying that he was not and had never been a member of the Communist Party.

The Report and Order of the full Board (2/7/56) did not make a specific finding that Melish was a formal member of the Communist Party. It did, however, discuss conflicts in testimony, including those between Budenz and Melish, and concurred with Examiner Coddaire's assessment of Melish's testimony. The Board reported:

"* * * the conclusion we reach on Melish is inescapable.

"In this connection, we concur with the Examiner's assessment of Melish's manner of testifying in relation to his reliability, and we find that the declination of the Examiner to credit Melish's testimony in explanation or denial of connection with Party's activities was justified."

Mr. TUCK. The committee record may be inserted at this point.[1]

Mr. NITTLE. Following Herbert Aptheker, what do your notes reveal as the next speaker?

Mr. DUVAL. Dr. Harry F. Ward.

Mr. NITTLE. Mr. Chairman, for the record, Dr. Harry F. Ward has been identified as a member of the Communist Party by Benjamin Gitlow and others and I would ask leave to submit the committee's documentation at this point.

Mr. TUCK. So ordered.[2]

Mr. NITTLE. Proceed.

Mr. DUVAL. Following Dr. Ward, Carl Marzani spoke.

Mr. NITTLE. Mr. Chairman, for the record, I might note briefly that Marzani was convicted some years ago of concealing his Communist Party affiliation while employed in and by the U.S. Government and served a prison term as a result thereof during the years 1949 to 1951.

In his appearances before the Senate Internal Security Subcommittee on June 18, 1953, and before this committee November 13, 1956, in response to questions relating to his Communist Party membership, he invoked the fifth amendment.

Mr. DUVAL. Following Mr. Marzani, some folk songs were sung by Martha Schlamme.

After her, Clark Foreman spoke.

Mr. NITTLE. Do you know Mr. Clark Foreman?

Mr. DUVAL. I believe Mr. Foreman is director of the Emergency Civil Liberties Committee. He, too, spoke at Princeton last spring.

Mr. NITTLE. Mr. Chairman, I would like to state briefly that the Emergency Civil Liberties Committee has been cited by both the Senate Judiciary Committee and by this committee as a Communist front.

I would like at this point to be allowed to introduce references pertaining to that organization.

Mr. TUCK. So ordered.[3]

Mr. NITTLE. It may be of interest to the committee that an advertisement appeared in this morning's Washington Post, submitted and paid for by the Emergency Civil Liberties Committee, published today in Washington, with references to the Internal Security Act case, and identified for the record as "Duval Exhibit No. 7."

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[1] *Herbert Aptheker*

Herbert Aptheker is currently a member-at-large of the National Committee of the Communist Party. He is also the editor of the party monthly publication, Political Affairs, and a member of the editorial board of its cultural monthly, Mainstream, in addition to serving as director of The New York School for Marxist Studies, the party's major school in the United States.

In testimony before the Subversive Activities Control Board and in Smith Act trials, in which he has appeared as a defense witness for the Communist Party, Herbert Aptheker has admitted being an active member of the Communist Party since he joined it in 1939.

[2] *Dr. Harry F. Ward*

Dr. Harry F. Ward was identified as a member of the Communist Party by Benjamin Gitlow and Leonard Patterson on July 7 and by Manning Johnson on July 8, 1953, in testimony before the Committee on Un-American Activities.

[3] *Emergency Civil Liberties Committee*

1. "* * * the committee finds that the Emergency Civil Liberties Committee, established in 1951, although representing itself as a non-Communist group, actually operates as a front for the Communist Party." (*Committee on Un-American Activities, Annual Report for 1958, H. Rept. 187, March 9, 1959, p. 34.*)

2. "To defend the cases of Communist lawbreakers, fronts have been devised making special appeals in behalf of civil liberties and reaching out far beyond the confines of the Communist Party itself. Among these organizations are the * * * Emergency Civil Liberties Committee. When the Communist Party itself is under fire these fronts offer a bulwark of protection." (*Internal Security Subcommittee of the Senate Judiciary Committee, Handbook for Americans, S. Doc. 117, April 23, 1956, p. 91.*)

Mr. SCHERER. Mr. Chairman, I think that advertisement should be put in the record at this point.

Mr. TUCK. The gentleman has moved that the ad be put in the record at this point.

Unless there is objection, and the Chair hears none, it may be placed in the record.

(Duval Exhibit No. 7 appears on opposite page.)

Mr. SCHERER. Is it not a fact that the Emergency Civil Liberties Committee, as you have pointed out, has been cited by two congressional committees as a Communist front; and that its chairman has been identified as a member of the Communist Party?

Mr. NITTLE. You are referring to Harvey O'Connor?

Yes, Harvey O'Connor was identified as a member of the Communist Party by Benjamin Gitlow, formerly the Communist Party secretary general, who so identified O'Connor in sworn testimony before this committee on September 11 and October 17, 1939.

Mr. SCHERER. Did Mr. O'Connor within the last month or so plead guilty to contempt of Congress?

Mr. TAVENNER. I have not had that information.

He has been indicted. The case has been set for trial. The judge died and the case was put on the general calendar. That is my last information about it.

Mr. SCHERER. For refusing to answer questions concerning his Communist Party activities?

Mr. TAVENNER. Yes, sir.

Mr. NITTLE. Will you proceed, Mr. Duval?

Mr. DUVAL. Following Mr. Foreman's speech, a man whose name I did not get but who is president or director of the Afro-American Heritage Association, spoke.

Mr. NITTLE. He is identified as Ishmael Flory, in the Communist press.

I would like, Mr. Chairman, briefly to note for the record that Ishmael Flory was identified as a member of the Communist Party by Nicholas Campas and also by Jack Davis at the Albany, N.Y., hearings of this committee held July 14, 1953.

Who appeared next, according to your notes, as speaker?

Mr. DUVAL. Another gentleman whose name I do not have but I do have that he was connected with the Citizens Committee for Constitutional Liberties. This group, by the way, supplied the notepaper for the National Assembly.

At the top of the notepaper it says, "Greetings to Participants to National Assembly for Democratic Rights from Citizens Committee for Constitutional Liberties."

It gives their address and telephone number.

Mr. NITTLE. The public record identifies the gentleman to whom you refer as Oakley C. Johnson.

I would like, Mr. Chairman, briefly to note at this time that Oakley Johnson was identified as a member of the Communist Party by John Lautner, April 11, 1957.

Mr. TUCK. You may place that in the record.[1]

[1] *Oakley C. Johnson*

Oakley C. Johnson was identified as a member of the Communist Party by John Lautner in testimony before this committee on April 11, 1957. In July 1919, Oakley C. Johnson was a member of the 7-man National Organization Committee which issued a call for a convention to organize the Communist Party of America. In the fall of 1932, Johnson was dismissed as an English instructor at the City College of New York for Communist activities. In a statement protesting his dismissal, he referred to "my open support of the Communist Party."

HAVE WE LOST OUR WILL TO PROTECT OUR FREEDOMS?

"Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble. . . ."

For most of two centuries the rightness of those words has been a conviction of most Americans.

"If there is one thing certain about the First Amendment it is that this Amendment was designed to guarantee freest interchange of ideas about all public matters and that, of course, means the interchange of *all* ideas. . . ."—*Justice Hugo L. Black, June 5,* 1961.

A good restatement of our conviction? Those words are in a *dissenting* opinion. The majority of the Supreme Court on June 5 upholding the Smith Act held that Congress can punish citizens for "active" membership in an organization (that is, for *assembling peaceably*). Previously the Court held that Congress can punish citizens for "conspiring to teach and advocate" (that is, for exercising *freedom of speech and press*).

"The first banning of an association because it advocates hated ideas—whether that association be called a political party or not—marks a fateful moment in the history of a free country."—*Justice Black, June* 5, 1961.

Justice Black was dissenting against the Supreme Court decision that the virtual outlawing of the Communist Party was legal. What has happened to our conviction? It has given way to obsession with "national security" or, to be more honest, *fear*. Is giving way to fear likely to make us more secure?

"Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go and that is down the path of increasingly repressive measures. . . ."—*Harry S. Truman, August* 8, 1950.

That advice was rejected by Congress when it passed the Internal Security Act, which the Court just upheld. With his sense of history President Truman remembered how the fearful Germans had let the Nazis outlaw first Communist ideas, then socialist ideas, then democratic ideas, and finally common decency.

"Now, when this country is trying to spread the high ideals of democracy all over the world—ideals that are revolutionary in many countries—seems to be a particularly inappropriate time to stifle First Amendment freedoms in this country."—*Justice Black, June* 5, 1961.

How can we claim world leadership when fear subverts our most revolutionary ideal: freedom to oppose the government? How can we regain the courage of our conviction?

"What we lose by majority vote today may be reclaimed at a future time when the fear of advocacy, dissent and non-conformity no longer cast a shadow over us."—*Justice William O. Douglas, June* 5, 1961.

Frightened majorities often take courage from steadfast minorities. A notable example in the past was President Jefferson's release of citizens imprisoned under the infamous Sedition Act. An example today is given by the 32 Americans in prison or facing prison for upholding the First Amendment before the House Un-American Activities Committee.

"The strength of the Constitution lies entirely in the determination of each citizen to defend it."—*Dr. Albert Einstein, in a letter to ECLC, March* 3, 1954.

Einstein had learned in Germany in the 1930's that lovers of freedom must show the courage of their conviction at every opportunity—in their schools, their churches, their community organizations, their political activities.

IF YOU HAVE CONVICTION — SHOW YOUR COURAGE
SPEAK UP FOR THE RIGHT TO DISSENT

Signers of Ad

"Have We the Will to Protect Our Freedoms?"

Paul F. Albright
California

Mr. and Mrs. B. S. Alper
Wisconsin

Robenia F. Anthony
Massachusetts

Edmund O. Austin
New York

Frederic E. Ball
Illinois

Elizabeth C. Banker
California

Prof. Stringfellow Barr
New Jersey

Thomas W. Benson
New York

Morton Berland
Minnesota

Hella Fraud Bernays
New York

Prof. Gerald A. Bertin
New Jersey

Herbert Biberman
California

Thea Bleik
New York

Sara M. Blum
Florida

Prof. Derk Bodde
Pennsylvania

Elizabeth B. Boyden
Massachusetts

Anne Braden
Kentucky

Prof. G. Murray Branch
Georgia

Dr. Dorothy Brewster
New York

Valeda J. Bryant
California

Dr. Allan M. Butler
Massachusetts

Mrs. Lena Caldwell
California

Dr. Henry A. Callis
Washington, D.C.

Joseph Cantone
New York

Prof. Serge Chermayeff
Massachusetts

Prof. Robert S. Cohen
Massachusetts

Paul Corey
California

Bertram Cole
Connecticut

Jerald M. Covici
New York

Rev. Henry Hitt Crane
Michigan

Willem H. Daniels
New York

John H. Davenport
New York

Dr. Percy M. Dawson
California

John J. DeBoer
Illinois

Dr. James G. Dombrowski
Louisiana

Bertram Edises
California

Philip Evergood
Connecticut

Robert D. Field
Massachusetts

Lands G. Fletcher
California

Dr. Royal W. France
Ohio

Ruth C. France
New York

Ruth Frankel
New York

Rev. Stephen H. Fritchman
California

Erwin A. Gaede
Michigan

Charles Gibadlo
Massachusetts

Sidney Gluck
New York

Charles G. Gnasnin
California

Mrs. Charles G. Gnasnin
California

Rabbi Robert E. Goldburg
Connecticut

Dr. Marcus I. Goldman
Washington, D.C.

Ellwood Griest
New York

Dr. Ralph H. Gundlach
New York

Dr. Jack L. Haber
New York

Dr. Thomas C. Hall
Massachusetts

Vincent Hallinan
California

Dorothy Haven
Connecticut

Gen. Hugh B. Hester
North Carolina

Halstead Holman
California

Charles H. Honzik
California

John N. M. Howells
Massachusetts

Lee Huberman
New York

V. Randolph Jewett
California

Mary Lon Jewett
California

Rev. Ashton B. Jones
California

Dr. Erich Kahler
New Jersey

Dr. Horace M. Kallen
New York

Rockwell Kent
New York

Edwin C. Kemble
Massachusetts

A. S. Kravitz
New York

Edith C. Lawrence
Ohio

Dr. Catherine D. Lealtad
Puerto Rico

Irmgard Lenel
California

Charles C. Lockwood
Michigan

Ariel G. Loewy
Pennsylvania

Mrs. Emily C. F. Longstreth
Pennsylvania

Walter C. Longstreth
Pennsylvania

Florence B. Luscomb
Massachusetts

Prof. Curtis D. MacDougall
Illinois

Charles A. Madison
Connecticut

Seymour Mandel
California

Dr. Henry Mayer
California

Olive Mayer
California

Prof. Alexander Meiklejohn
California

Prof. Clyde R. Miller
New York

Robert S. Morris
California

Prof. Anatol Murad
Puerto Rico

Walter M. Nelson
Michigan

Harvey O'Connor
Rhode Island

Paul Orr
California

Mrs. Paul Orr
California

Rev. George L. Paine
Massachusetts

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Missouri

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Louis B. Scott
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Dr. Clinton Lee Scott
Florida

Rev. Peter Lee Scott
Connecticut

Philip Siekevitz
New York

Arthur Schutzer
New York

Edward N. Silver
Connecticut

Leslie Scheenfeld
California

Nancy P. Straus
Washington, D.C.

Maurice Sugar
Michigan

Dr. Hans Toch
Michigan

Louis Tokar
Ohio

Rev. Moses S. Walker
Massachusetts

Stanley E. Weisberger
New York

Paul Weiss
Connecticut

David Wesley
Pennsylvania

Rev. Eliot White
Massachusetts

Henry Willcox
Connecticut

A. P. William
South Carolina

Robert J. Wisner
Michigan

George Willoughby
Pennsylvania

This advertisement submitted and paid for by

Emergency Civil Liberties Committee, 421 Seventh Ave., New York 1, N.Y

Mr. NITTLE. Who was the next speaker?

Mr. DUVAL. Following that gentleman, Eugene Young of the City College of New York.

Mr. NITTLE. How old was Eugene Young, from appearances?

Mr. DUVAL. My guess would be somewhere in his twenties.

Mr. NITTLE. Did you know Eugene Young from any previous acquaintance?

Mr. DUVAL. No, sir, although I had seen a photograph of him once before.

Mr. NITTLE. Were there any other speakers?

Mr. DUVAL. No, sir.

By that time there were about a third or a half of the people left in the auditorium and the meeting was closed.

Mr. NITTLE. Did anything occur to indicate why most people appeared to leave the meeting before it was closed?

Mr. DUVAL. No, sir. I think that people began to leave at a rather rapid rate following the folk songs by Martha Schlamme. The speeches were not the most inspiring in the world and I guess people just figured it was time to pack up and go.

Mr. NITTLE. At what time did the meeting close?

Mr. DUVAL. I think it was somewhere in the neighborhood of 11 o'clock, 11 or 12.

Mr. NITTLE. Did anything else of significance occur at this meeting that you wish to relate?

Mr. DUVAL. No, sir; I can't think of anything of any specific note.

Mr. NITTLE. That concluded the Saturday meetings?

Mr. DUVAL. Yes, sir.

Mr. NITTLE. Did you return to the arena for the Sunday meeting?

Mr. DUVAL. Yes, sir, I did. I got there at 10 o'clock to find a small handful of people outside of locked doors which were then opened about 10:15 or 10:30. The meeting did not get underway until about quarter to 11, Sunday.

Mr. NITTLE. Do you have any estimate of the number of people present at the meeting?

Mr. DUVAL. Well, throughout, with the exception of the rally Saturday night, I would imagine there were somewhere in the neighborhood of a thousand. Saturday night there were maybe a couple of thousand. It was hard to estimate the number of people because they didn't have rows of chairs. The tables filled up an awful lot of the arena to make it seem more crowded than it really was.

Mr. NITTLE. Who were the speakers at the Sunday morning meeting?

Mr. DUVAL. The first person's name I do not have but he was from the National Council of American-Soviet Friendship.

Mr. NITTLE. May I state that the public record reveals that that was the Reverend Richard Morford.

Mr. TUCK. Do you have the record on him?

Mr. NITTLE. Yes, Mr. Chairman.

I would state briefly at this time in response to your question that the Reverend Richard Morford was identified by Budenz as a member of the Communist Party in his testimony before the Subversive Activities Control Board; and after hearing the evidence, the Board likewise made a finding of fact to the effect that from the evidence Morford was a member of the Communist Party.

We would like to submit the file record at this point.

Mr. TUCK. It may be so filed.[1]

Mr. NITTLE. I would also like to submit for the record that the National Council of American-Soviet Friendship [2] has been cited as subversive and Communist by the Attorney General, the Senate Committee, the House Committee, and the Subversive Activities Control Board.

After Reverend Morford, who was the next speaker?

Mr. DUVAL. Moe Fishman of the Veterans of the Abraham Lincoln Brigade.

Mr. TUCK. Do you have his record to insert?

Mr. NITTLE. Yes, we would like to submit the record relating to Moe Fishman at this point.[3]

Mr. NITTLE. I might note briefly here that the Veterans of the Abraham Lincoln Brigade was cited as subversive by Attorney General Tom Clark. It has also been cited by this committee, and has been found by the Subversive Activities Control Board decision of December 21, 1955, to be a Communist-front organization.[4]

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[1] *Richard Morford.*

Richard Morford has been identified as a member of the Communist Party by witnesses before the Subversive Activities Control Board. Board Docket No. 104–53, *AG* v. *National Council of American-Soviet Friendship,* Report & Order of the Board, February 7, 1956, states on p. 21—

"[Louis] Budenz gave evidence showing Morford to have been a member of the Communist Party in 1943 or 1944 and [Ralph] Clontz was told by a Party functionary in 1951 that he need not worry about the Party loyalty of Morford * * *. We find that Morford is a member of the Party."

[2] *National Council of American-Soviet Friendship, Inc.*

1. Found to be a "Communist-front organization" within the meaning of the Internal Security Act of 1950 and ordered to register as such with the Attorney General.

"* * * A fair consideration of the record as a whole in this proceeding requires the conclusion that the National Council, operating under the domination, direction, and control of the Communist Party, has as its primary purpose to advance and promote the objectives of the Soviet Union for the Communist Party behind a facade of being independent of the Party and interested only in developing friendship between the Soviet Union and the United States. The assistance rendered to the Party is considered to be material." (*Subversive Activities Control Board, Docket No. 104–53, Report and Order, February 7, 1956, pp. 54 and 55.*)

2. Cited as subversive and Communist. (*Attorney General Tom Clark, letters to Loyalty Review Board, released December 4, 1947, and September 21, 1948.*)

3. "In recent months, the Communist Party's principal front for all things Russian has been known as the National Council of American-Soviet Friendship." (*Special Committee on Un-American Activities, House Report 1311 on the CIO Political Action Committee, March 29, 1944, p. 156.*)

4. Cited as specializing in pro-Soviet propaganda. (*Internal Security Subcommittee of the Senate Judiciary Committee, Handbook for Americans, S. Doc. 117, April 23, 1956, p. 91.*)

[3] *Moe Fishman.*

The Subversive Activities Control Board, Docket No. 108–53, *AG* v. *Veterans of the Abraham Lincoln Brigade,* Report and Order of the Board, 12/21/55, stated concerning the office of Executive Secretary of the Veterans of the Abraham Lincoln Brigade:

"It is established that since 1940, this office has been occupied during the years indicated by the following, all established to have been concurrently Party members or functionaries: * * * Moe Fishman, 1950 to present."

The same Report also states:

"The following Party representatives have been on respondent's National Executive Committee or National Board: * * * Moe Fishman * * *."

[4] *Veterans of the Abraham Lincoln Brigade*

1. Cited as a Communist front "active in the recent peace offensive after World War II." (*Internal Security Subcommittee of the Senate Judiciary Committee, Handbook for Americans, S. Doc. 117, April 23, 1956, p. 96.*)

2. Found to be a "Communist-front organization" within the meaning of the Internal Security Act of 1950 and ordered to register as such with the Attorney General.

"* * * it is concluded that respondent is directed, dominated, and controlled by the Communist Party of the United States * * *." (*Subversive Activities Control Board, Docket No. 108–53, Report and Order, December 21, 1955, p. 123.*)

3. Cited as subversive and Communist. (*Attorney General Tom Clark, letters to Loyalty Review Board, released December 4, 1947, and September 21, 1948*).

4. "In 1937–38, the Communist Party threw itself wholeheartedly into the campaign for the support of the Spanish Loyalist cause, recruiting men and organizing multifarious so-called relief organizations." (*Special Committee on Un-American Activities, House Report 1311 on the CIO Political Action Committee, March 29, 1944, p. 82.*)

5. Cited as a Communist-front organization consisting of "American boys who were induced by various illegal and deceptive methods to participate in the Communist Loyalist War in Spain." (*Committee on Un-American Activities, Annual Report, House Report 2233, June 7, 1946, pp. 29 and 40.*)

Who was the next speaker?

Mr. DUVAL. Following Mr. Fishman, Frank Lopez of the Los Angeles Committee for Protection of Foreign Born. I believe they said he was public relations director, but I didn't catch that.

Mr. TUCK. Does the committee have any record on Mr. Lopez?

Mr. NITTLE. We do not have an identification presently before us of Frank Lopez as a member of the Communist Party.

The American Committee for Protection of Foreign Born has been cited as subversive and Communist by the Attorney General and likewise cited by this committee and by the Senate Internal Security Subcommittee.

I would like to introduce in the record the citations of that organization.

Mr. TUCK. So ordered.[1]

Mr. NITTLE. The next speaker?

Mr. DUVAL. Following Mr. Lopez, Mr. Ben Davis, the national secretary of the Communist Party, U.S.A., spoke.

I would like to add a comment here that I remember vaguely a couple of standing ovations that may have been given to a couple of people, but the outstanding ovation was given to Ben Davis.

When he was introduced, as he walked up to the podium the audience in the arena leaped up as if they were one person and a tremendous ovation with cheering and whistling. This dispelled certain of my own doubts about the nature of this meeting.

Mr. TUCK. Was Ben Davis one of those convicted in New York some years ago as being a member of the Communist Party?

The subcommittee will stand in recess for 5 minutes.

(Short recess.)

(Members present at time of recess: Representatives Tuck, Scherer, Johansen, Bruce, and Schadeberg.)

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[1] *American Committee for Protection of Foreign Born.*

1. Found to be a "Communist-front organization" within the meaning of the Internal Security Act of 1950 and ordered to register as such with the Attorney General.

"The American Committee for Protection of Foreign Born is an organization within the United States consisting of a national headquarters in New York City and affiliated branches or chapters at various places throughout the country, named committees for protection of foreign born of particular localities." "* * * the entire organization (national and locals) is effectively under the management, direction and supervision, and controlled by members and representatives of the Communist Party." (*Subversive Activities Control Board, Docket No. 109–53, Report and Order, June 27, 1960, pp. 51, 49 and 20.*)

2. Cited as subversive and Communist. (*Attorney General Tom Clark, letters to Loyalty Review Board, released June 1, 1948, and September 21, 1948.*)

3. "One of the oldest auxiliaries of the Communist Party in the United States." (*Special Committee on Un-American Activities, House Report 1311 on the CIO Political Action Committee, March 29, 1944, p. 155; also cited in Annual Report, H. Rept. 2277, June 25, 1942, p. 18.*)

4. Cited as under the "complete domination" of the Communist Party. "In its early years, the work of the American Committee for Protection of Foreign Born and its confederate organizations consisted primarily of intervening in the cases of Communist agents who faced deportation. With the enactment of the Internal Security Act in 1950, and the Immigration and Nationality Act in 1952, the Communist Party and the American Committee for Protection of Foreign Born, in turn, found it necessary to undertake a new emphasis in its work."

The American Committee for Protection of Foreign Born "mobilized all of its resources to render ineffective the Immigration and Nationality Act and other legislation bearing upon the security of the United States." (*Committee on Un-American Activities, Annual Report for 1956, H. Rept. 53, February 11, 1957, p. 1; and House Report 1182 on Communist Political Subversion, August 16, 1957, pp. 29 and 1.*)

5. "To defend the cases of Communist lawbreakers, fronts have been devised making special appeals in behalf of civil liberties and reaching out far beyond the confines of the Communist Party itself. Among these organizations are the * * * American Committee for Protection of Foreign Born. When the Communist Party itself is under fire these offer a bulwark of protection." (*Internal Security Subcommittee of the Senate Judiciary Committee, Handbook for Americans, S. Doc. 117, April 23, 1956, p. 91.*)

Mr. TUCK. The subcommittee will come to order.

(Members present at time of reconvening after the recess: Representatives Tuck (presiding), Scherer, Johansen, Bruce, and Schadeberg.)

Mr. TUCK. Do you have in your files the record of the last speaker to whom the witness referred before the recess?

Mr. NITTLE. Ben Davis is the national secretary of the Communist Party who received the standing ovation referred to by this witness.

Mr. TUCK. Do you have any further information on him?

Mr. SCHERER. I suggest, Mr. Chairman, we just put in the record, the printed record, Ben Davis' record rather than reading it. We all know about him.

Mr. TUCK. The counsel is directed to include that in the record at this point.[1]

Mr. NITTLE. What do your notes reflect was the next occurrence?

Mr. DUVAL. Following Mr. Davis' speech, the meeting broke up into regional panels, except for the youth which were all herded together into one group.

I went to the youth meeting which was presided over by Gene Young of the City College of the City of New York.

Mr. NITTLE. You said Gene Young. The full name is Eugene Young?

Mr. DUVAL. Yes, sir.

Mr. NITTLE. Do you know Eugene Young?

Mr. DUVAL. I had heard him speak at the meeting previous to this and I had seen a photograph of him once before.

Mr. NITTLE. Did you remain with the youth panel?

Mr. DUVAL. Yes, sir, I did.

Mr. NITTLE. After the panel groups had met were reports then rendered to the National Assembly as a whole by the various panel groups?

Mr. DUVAL. Yes, sir. Also within the youth group there were regional reports given. This was prior to the reconvening of the entire Assembly.

Mr. NITTLE. Who rendered the youth report to the Assembly?

Mr. DUVAL. There were several. One, a fellow from the CCNY, another from the University of Pennsylvania, another one from Cleveland, one from Pittsburgh, one fellow who goes to Monteith College at Wayne State University in Detroit, a girl from the University of Chicago, a girl from the Committee for Protection of Foreign Born on the West Coast, and a fellow from the Berkeley campus of the University of California, and a report by a Swarthmore student who was a freedom rider.

---

[1] *Benjamin J. Davis, Jr.*
Benjamin J. Davis, Jr., currently the national secretary of the Communist Party and a member of its National Executive Committee, has been an open leader of the party for many years.

Mr. NITTLE. These persons you have just mentioned rendered the report to the youth panel?

Mr. DUVAL. Yes, sir, these were regional reports within the youth group at the same time that the other regional groups were having their discussions on the main floor of the arena.

Mr. NITTLE. Who rendered the youth report to the entire Assembly?

Mr. DUVAL. A girl by the name of Sandy Petrinos.

Mr. NITTLE. About how old was she?

Mr. DUVAL. She was in her early twenties.

Mr. NITTLE. Do you have notes as to who rendered the reports on the regional panels?

Mr. DUVAL. The only notes that I have to that effect are the reports given from the youth group by Sandy Petrinos and the report which I believe was delivered for the Middle Atlantic region by William Hinton.

By this time people were getting very restless.

Also, many people were continuing discussions they had begun in their regional panels and it was very difficult to hear the names.

Mr. NITTLE. I would like at this point to insert the committee record on William H. Hinton.

Mr. TUCK. It may be so inserted.[1]

Mr. NITTLE. Do you have anything further?

Mr. DUVAL. Yes, sir. Following the regional reports, Professor Louise Pettibone Smith gave an adjournment address and then there was a closing song, something of a spiritual in nature, led by Serifa Storey.

Then, the meeting came to a close.

I would like to mention that during the meeting on Sunday great efforts were made to get the youth all together in one section of the main floor of the arena. They seemed to be very hungry for young people and, as a consequence, they tried to get them together but on the floor I guess there were only about 40 to 50 sitting together. But when the meeting broke up into regional sessions, I guess there were about 140 sitting together on the mezzanine for the youth group.

One interesting facet of the literature that they handed out was a notice entitled "Youth, Questions For You and Your Future!" advertising classes at The New York School for Marxist Studies. They were making a big pitch to get young people to come there.

Mr. NITTLE. I ask, Mr. Chairman, that this advertisement of The New York School for Marxist Studies be marked "Duval Exhibit No. 8" and appear in the record.

Mr. TUCK. So ordered.

(Duval Exhibit No. 8 follows:)

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[1] *William H. Hinton*

In the course of his appearance before the Senate Internal Security Subcommittee on March 7, 1956, documentary evidence was introduced in the hearing which revealed that William H. Hinton, while in China after the Communist seizure of power there, had worked for the Chinese Communist army and had actually been employed by the government of Red China. In this appearance before the subcommittee and in another one on July 27, 1954, Hinton invoked the fifth amendment when asked if he was a member of the Communist Party.

DUVAL EXHIBIT No. 8

YOUTH

QUESTIONS FOR YOU AND YOUR FUTURE !

*HOW CAN ONE BE MORAL IN AN IMMORAL SOCIETY?

*WHAT DOES THE RESURGENCE OF THE RIGHT MEAN TO DEMOCRATIC AMERICA?

*CAN THERE BE A SCIENTIFIC APPROACH TO HISTORICAL STUDY?

*DO THE ENDS JUSTIFY THE MEANS?

*WHY DOES ONE ECONOMIC SYSTEM GIVE WAY TO ANOTHER?

*IS AMERICA A MIDDLE CLASS SOCIETY?

INTERESTED IN THESE QUESTIONS?

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OPENING DATE: FRIDAY OCTOBER 20 CLASSES MEET EVERY FRIDAY FOR 7 WEEKS

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THE NEW YORK SCHOOL FOR MARXIST STUDIES
853 Broadway (near 14 St.)
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New York 3, N. Y.
GR3-1560

Write for catalog NA

Mr. DUVAL. There was also a pamphlet entitled "The McCarran Act and Youth."

The only appeal that this particular pamphlet makes to the youth that it does not make to any other group is that it is just couched in juvenile language. I think that they completely failed to relate the supposed dangers of the McCarran and Smith Acts to youth and, as a result, they may have something of a hard time to get youth together to mobilize as youth and not just as citizens or whatever.

Mr. NITTLE. I have one more thing. Was there a report to the youth group in a talk given by a psychiatrist, Dr. Nathaniel Lehrman?

Mr. DUVAL. Yes, sir, there was.

Mr. NITTLE. In what way did he relate his talk to youth?

Mr. SCHERER. Mr. Chairman, for the purpose of the hearing, I do not think it is necessary to go into the substance of the doctor's talk.

Mr. TUCK. Suppose you go on and answer that question.

Mr. DUVAL. Yes, sir. I thought it was significant that this man asked all of the young people to maintain their contacts with their family and the organizations they belong to and he stressed religious organizations. He said, if you do this your opinion is more respected within the organization than if you leave it and as such you may be able to influence it.

Mr. TUCK. Is there anything else, Mr. Nittle?

Mr. NITTLE. That concludes the staff questioning of Mr. Duval, Mr. Chairman.

Mr. TUCK. Are there any questions?

You are excused, Mr. Duval, and we thank you very much for your cooperation here.

Call the next witness.

Mr. NITTLE. Mr. Tavenner will continue the questioning.

Mr. TAVENNER. Mr. Joseph Brandt, will you come forward, please.

Mr. TUCK. Mr. Brandt, will you stand and raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRANDT. I do.

TESTIMONY OF JOSEPH BRANDT, ACCOMPANIED BY COUNSEL, JOSEPH FORER

Mr. TAVENNER. You are Mr. Joseph Brandt?

Mr. BRANDT. I am, sir.

Mr. TAVENNER. Will you spell your last name, please.

Mr. BRANDT. B-r-a-n-d-t.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record.

Mr. FORER. Joseph Forer, 711 14th Street Northwest, Washington, D.C.

Mr. TAVENNER. Mr. Brandt, where do you reside?

Mr. BRANDT. I reside at 229 West 105th Street, Manhattan, New York.

Mr. TAVENNER. What is your occupation?

Mr. BRANDT. I refuse to answer on three grounds, sir.

First, because I consider this committee, in general, and this specific inquiry is engaged in attempting to suppress freedom of expression and is engaged in intimidating and smearing and otherwise destroying all those Americans who are working for the preservation of our constitutional Bill of Rights. I consider the attempts of this committee to carry through a character assassination, and I will be no partner to it.

Number two, this committee, by its own record, has proven that it is not engaged in a legislative function for which it was established and its questions are not pertinent to investigate; and, finally, as a loyal American, as a former GI who has fought honorably in defense of his country, I refuse to answer any questions on the basis of the privilege guaranteed to me by the Constitution and the Bill of Rights and, especially, the fifth amendment.

Mr. TAVENNER. I asked you the question what your occupation is. You stated, as part of your reason for not answering, that this committee is engaged in character assassination. Do you contend that it would be character assassination for this committee to ask you what your employment is?

Mr. BRANDT. I stand on the answer I have given, sir.

Mr. TAVENNER. That is all the explanation you will give?

Mr. BRANDT. That is right, sir.

Mr. TAVENNER. Are you a member at this time of the National Committee of the Communist Party of the United States?

Mr. BRANDT. I refuse to answer on the same ground as previously stated.

Mr. TAVENNER. What is your present employment?

Mr. BRANDT. I refuse to answer on the same grounds as previously stated.

Mr. SCHERER. Do you, Mr. Witness, believe in good conscience that to answer that question would tend to incriminate you; to tell us what your employment is?

(The witness conferred with his counsel.)

Mr. BRANDT. It is quite possible that it would.

Mr. SCHERER. Are you engaged in any illegal activity?

Mr. FORER. Do you want him to answer that question?

Mr. SCHERER. Yes. He said it would incriminate him if he would tell us what his employment was.

Mr. FORER. He said it is possible it might. Having said that, I think it is a little improper for you to ask him whether he is engaged in illegal activity.

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer.

Mr. BRANDT. I refuse to answer on the same grounds I stated before.

Mr. TAVENNER. Mr. Brandt, I hand you an excerpt from a September 24, 1961, issue of the New York Times, entitled "Rally Protests Anti-Red Rulings." I would like you to keep your eye on the two paragraphs at the end of the first column while I make reference to them.

(The document was handed to the witness.)

Mr. TAVENNER. The article reads in part:

Joseph Brandt, a machinist, who was convicted under the Smith Act after a Federal court trial in Cleveland in 1955, acted as spokesman for the assembly. His conviction was upset on appeal in 1958. The Smith Act prohibits conspiracy to teach or advocate the overthrow of the Government.

Was the article factual when it referred to you as a spokesman for the Assembly?

Mr. BRANDT. Under the privilege of the fifth amendment, I refuse to answer the question.

Mr. TAVENNER. By "assembly" the context of the article shows that reference was being made to the National Assembly for Democratic Rights' meeting held at St. Nicholas Arena on September 23.

Reading further, Mr. Brandt, I find this:

Mr. Brandt, who now lives in New York, said 95 percent of the participants—he rejected the phrase "delegates"—were non-Communist. He denied reports the assembly was a Communist-front organization, saying this was the "usual charge that is made by all reactionary forces whenever the people organize to defend their Constitutional liberties and the Bill of Rights."

Did the article correctly report you as having said that the Assembly was not a Communist-front organization?

(The witness conferred with his counsel.)

Mr. BRANDT. I refuse to answer on the same grounds as I stated before.

(Document marked "Brandt Exhibit No. 1" and retained in committee files.)

Mr. TAVENNER. Then, was it a Communist-front organization?

(The witness conferred with his counsel.)

Mr. BRANDT. Well, as far as I am concerned, sir, I really don't know what you mean by "Communist-front organization." It does not mean anything to me.

Mr. TAVENNER. Then let me ask you a few questions which may clarify that issue.

Preliminarily, let me ask you this question. What position did you hold within the National Assembly for Democratic Rights?

Mr. BRANDT. I have already stated my answer to the question previously.

Mr. TAVENNER. That is the only time I asked you that question.

Mr. BRANDT. I refuse to answer on the ground of the fifth amendment.

Mr. SCHERER. In view of the witness' previous answer, Mr. Chairman, I ask that you direct him to answer Mr. Tavenner's last question.

Mr. TUCK. The Chair rules that the witness has already opened it up to questions. The Chair directs the witness to answer the question.

(The witness conferred with his counsel.)

Mr. BRANDT. I don't agree with the Chair's ruling, and I will stand by my previous answer.

Mr. TAVENNER. The Sunday Worker of October 1, 1961, in referring to the subpena served upon you for your appearance here today, listed you as a "member of the assembly organizing committee." Was that statement by the Worker correct?

Mr. BRANDT. I refuse to answer on the same grounds as previously stated.

(Document marked "Brandt Exhibit No. 2" and retained in committee files.)

Mr. TAVENNER. Who in the Communist Party appointed you to engage in work for the National Assembly for Democratic Rights, if anyone?

Mr. BRANDT. Well, I think that is a tricky question.

Mr. TAVENNER. No, it is a very direct question.

Mr. BRANDT. Just like asking me when did I stop beating my wife.

Mr. TAVENNER. I asked you if anyone advised you, or notified you, to work in this organization, who it was? That is as direct and plain as a question can be.

Mr. BRANDT. I refuse to answer that as stated on the previous grounds.

Mr. TAVENNER. So the plainer the question is, the stronger you refuse to answer.

What part did the Communist Party play in organizing the National Assembly for Democratic Rights?

Mr. BRANDT. I refuse to answer on the same grounds as previously stated.

Mr. SCHERER. Will you tell us, Mr. Witness, those speakers at these meetings in New York who were known to you not to be Communists?

(The witness conferred with his counsel.)

Mr. BRANDT. I have not come here as a cooperative witness.

Mr. SCHERER. I understand that perfectly.

Mr. BRANDT. And I refuse to answer any such questions on the grounds stated previously.

Mr. SCHERER. You mean to tell this committee that it might tend to incriminate you if you told us the names of the people whom you knew not to be Communists, who were speakers at this meeting in New York?

(The witness conferred with his counsel.)

Mr. BRANDT. It is possible.

Mr. SCHERER. Isn't it a fact, Mr. Witness, that at least 75 percent of the speakers who appeared were members of the Communist Party, or former members of the Communist Party?

(The witness conferred with his counsel.)

Mr. BRANDT. Are you making a declaration of fact in this respect?

Mr. SCHERER. Yes. Is my assumption incorrect?

Mr. BRANDT. How do you know?

Mr. SCHERER. You are answering the questions.

Mr. BRANDT. You made a statement of fact. How do you know?

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer the question.

Mr. TUCK. The Chair orders and directs the witness to answer the question.

Mr. BRANDT. I refuse to answer for the same reasons I stated before. It is obvious this committee is trying to place me in a position of helping them to smear individuals, and I will do nothing of the sort.

Mr. SCHERER. I listened to a recitation of the speakers and I happened to know—you ask me how I know—that about 75 percent of those named are members of the Communist Party now, or at sometime in the past were members, according to the records of our committee.

I just wanted to know whether that is correct. Am I wrong in that, Mr. Witness?

Mr. BRANDT. That too is a tricky question. I have already answered that.

Mr. SCHERER. I am just asking whether I am wrong.

Mr. BRANDT. I refuse to answer you on the same grounds.

Mr. SCHERER. You don't deny what I said is true, do you, Witness, about the membership in the Communist Party, of the speakers at this Assembly?

Mr. BRANDT. I have neither denied nor affirmed anything you have said so far.

Mr. SCHERER. You don't deny it though, do you? I ask the chairman to direct the witness to answer the question.

Mr. FORER. He already answered that question.

Mr. SCHERER. Look, Counsel, let him go. We know you are the expert.

Mr. FORER. Thank you.

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. BRANDT. I refuse to answer on the same ground as stated before.

Mr. TAVENNER. Mr. Brandt, when was the last time that you attended a meeting of the Communist Party at which the formation of a National Assembly for Democratic Rights was discussed?

Mr. BRANDT. I consider that a tricky and loaded question and refuse to answer it on the same grounds as stated before.

Mr. TAVENNER. Did the National Committee of the Communist Party decide to create an organization which became known as the Citizens Committee for Constitutional Liberties?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. SCHERER. I will ask you the question in a different way. Isn't it a fact that the Communist Party set up this National Assembly for Democratic Rights? Isn't that a fact?

Mr. BRANDT. That is not a question. You stated it as a fact. I refuse to answer it on the same grounds.

Mr. SCHERER. Was what I stated incorrect, Witness?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. SCHERER. You don't deny what I stated was correct, though, do you?

(The witness conferred with his counsel.)

Mr. TAVENNER. Mr. Brandt, will you tell the committee whether or not the National Committee of the Communist Party was responsible for designating Miriam Friedlander as the executive secretary of the Citizens Committee for Constitutional Liberties?

Mr. BRANDT. I refuse to answer that on the same grounds.

Mr. TAVENNER. Did you know Miriam Friedlander to be a member of the National Committee of the Communist Party?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. I hand you a copy of a document introduced in evidence as Duval Exhibit No. 1, which is the "Call" to the meeting of the National Assembly for Democratic Rights.

(The document was handed to the witness.)

Mr. TAVENNER. Will you examine it, please, and state whether or not it is a copy of the "Call" issued by that organization.

(The witness conferred with his counsel.)

Mr. BRANDT. I refuse to answer on the same grounds.

(See Duval Exhibit No. 1, pp. 167–170.)

Mr. TAVENNER. Were you the manager of that organization at the time the "Call" was issued?

Mr. BRANDT. I refuse to answer for the same reasons as previously stated.

Mr. TAVENNER. What was the date of the issuance of the "Call"?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. If you will examine the left margin of the "Call", you will see the names of numerous persons as sponsors. Will you tell the committee who it was in the Communist Party of the United States who suggested those names as sponsors, or any of them?

Mr. BRANDT. That is a very tricky and loaded question, and I refuse to answer it on the same grounds.

Mr. TAVENNER. You say you refuse to answer it, stating it is a "tricky" question. It sounds direct to me, but let me try to put it another way to you.

Mr. SCHERER. Mr. Chairman, I would like to know whether he is refusing to answer the question on the grounds that it is a tricky and loaded question.

Mr. BRANDT. I am refusing to answer it on the grounds of the privilege granted to me by the fifth amendment.

Mr. SCHERER. It was not clear whether you were refusing on the ground of the fifth amendment or whether you thought it was tricky.

Mr. TAVENNER. There certainly cannot be anything tricky about this question: Who in the Communist Party advised regarding selection of the sponsors of this organization?

(The witness conferrred with his counsel.)

Mr. BRANDT. Well, it is tricky because you are trying to get me to help you smear and intimidate other people, which I will not do on the grounds of the privilege granted to me by the fifth amendment.

Mr. TAVENNER. I see what you mean. It is tricky because we are asking you to give us facts regarding the Communist Party participation in this organization?

Mr. BRANDT. It is not tricky because of that. It is tricky because you want me to become a partner to your smearing campaign.

Mr. FORER. It does assume facts not in evidence.

Mr. TUCK. Counsel has been before this committee on a number of occasions and he knows the committee rules.

Mr. FORER. I was trying to help out Mr. Tavenner as to what was tricky about the question.

Mr. TAVENNER. I don't need your help.

Mr. FORER. I thought maybe you did.

Mr. JOHANSEN. I was going to suggest that maybe Mr. Tavenner would get some help if he consulted the New York Times reporters. They seem to be very successful in getting answers from the gentle-

BRANDT EXHIBIT NO. 3

(3)

ST. NICHOLAS SPORTS CENTER, Inc.

53-60 WEST 66TH STREET, NEW YORK CITY
TEL. SUSQUEHANNA 7-4420

No 1774

THIS INDENTURE OF AGREEMENT made and entered into the 8th day of July, 1961, by and between the ST. NICHOLAS SPORTS CENTER, INC., as Lessor, and NATIONAL ASS'N FOR DEMOCRATIC RIGHTS of No. 229 W 105 St Street, Borough of MAN., City of N.Y., as Lessee,

1. Said Lessee hereby agrees to hire from the said Lessor and the said Lessor agrees to let and rent to the said Lessee, GRAND ballroom of the St. Nicholas Sports Center, Inc. for the afternoon/evening of MORNING SATURDAY Sept. 23/61 HOURS 10AM TO 10PM AND SUNDAY Sept. 24TH/61 HOURS 9:30 AM TO 1 P.M. to be used for Meeting Sessions.

2. The Lessee agrees to pay to Lessor as rent for the said hall the sum of Twelve HUNDRED Dollars ($1200.00) on account of which Lessor acknowledges receipt of One hundred Dollars ($100.00) as deposit hereunder, and agrees to pay the Lessor the balance of said rental, to wit, Eleven Hundred Dollars ($1100.00) CHECK not later than One week before event.

3. That the Lessor shall be entitled exclusively to sell and dispose of all kinds of drinks and beverages, cigars, cigarettes and tobacco, flowers and confection, and food, victuals and meals of all kinds during said function.

4. The Lessee hereby agrees not to permit or allow any of its patrons, guests or any persons attending its functions, to bring or carry into the premises or any part thereof, any beverages, either intoxicating or non-intoxicating, for consumption on any part of the premises. The Lessee agrees to be held strictly accountable for the enforcement of this covenant and to see that same is properly and adequately enforced. Any act or violation herein by patron or guest attending the Lessee's function shall be deemed the act of the Lessee.

In the event that the above covenant is breached or violated, the Lessor is hereby empowered, through its agents, servants, or employees, to intercede and prevent said violation in any manner deemed necessary to the Lessor for the enforcement of the agreement herein, without being liable to the Lessee for any damage or damages, and in addition the Lessor shall have the right to close the ballroom at any time before the closing time set forth herein.

5. The rent must be paid in all cases before lighting the hall. Lessee will pay for ONE

6. The Lessees must preserve order and decorum in all parts of the house. Sept. 24 OFFICER AND ONE

7. The Lessor reserves the right to close the hall at 3 A.M. ELECTRICIAN

8. The Lessor reserves the right to refuse admittance after 1 o'clock A.M., and 12 o'clock midnight on Saturdays or to conform with existing police regulations.

9. In case Lessor's license to permit use of leased premises for dancing or other functions be revoked or not renewed by any of City Authorities or Officials, Lessors may cancel this agreement upon return to Lessee of any deposit made, without further liability.

10. Any person or persons engaging the St. Nicholas Arena and misrepresenting the purpose, organization, or the parties for whom they contract, shall forfeit all money paid as a deposit, and the contract shall, at the option of the Lessor of the hall, be annulled, and the Lessor reserves the privilege at any and all times, upon giving 16 days' notice in writing to any person or organization hiring the St. Nicholas Arena or any part of the building, to annul this agreement for any reason deemed sufficient to the Lessor, whereupon the money paid as a deposit shall be refunded.

11. Lessee shall be held responsible for all damages other than the usual wear and tear, and said Lessee hereby agrees by the signing of this agreement to indemnify the Lessor against all such damages.

12. The Lessor reserves the right to admit at all times the Press and persons desiring to look at the hall for purposes of hiring the same.

13. No return checks shall be issued.

14. The Lessor reserves all Radio and Television rights.

15. It is further hereby expressly agreed that the hiring of the hall and this agreement are subject to all Federal, State and City laws and ordinances, as well as rules and regulations of the City of New York, and that the Lessee under this agreement shall not use this hall or cause this hall to be used in violation of the above.

16. It is further understood and agreed that the Lessee may not sublet the hall under this agreement.

17. The checkroom is reserved by the Lessor

18. That Lessor shall not be held responsible in case of any accident or injury to the Lessee, or any of the Lessee's agents, visitors, undertenants or employees, or any person or persons in or about the demised premises, the building, hallways, fire escapes, roofs, yards or sidewalks, and the Lessee hereby agrees that the Lessee will save harmless and forever indemnify the Lessor for and against any and all liability penalties, leases, damages, expenses, suits and judgments arising from injury during said term to person or property of any nature, occasioned wholly or in part by an act or acts, omission or omissions of the Lessee or Lessor, or of the employees, guests, agents, assigns or under-tenants of the Lessee or Lessor, upon the times and occasions when the Lessee shall be in possession of the premises.

IN WITNESS WHEREOF the parties hereto set their hands and seals the day and year first above written.

National Assembly for Democratic Rights
Name of Organization

By Joseph Brandt
Manager
Title

500 11-58 EP

Le 2-6288

ST. NICHOLAS SPORTS CENTER, INC.

By J. B. Salesman

ACCEPTED BY

M. Fischer
Lessor

(This agreement is not binding upon the St. Nicholas Sports Center, Inc., until accepted by Lessor.)

man, who is solicitious about the suppression of the freedom of speech until he is under oath.

Mr. TUCK. Proceed, Mr. Tavenner.

Mr. TAVENNER. Did you play any part in making arrangements for the rental of St. Nicholas Arena for the use of the National Assembly for Democratic Rights?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Mr. Chairman, the committee procured by subpena duces tecum, a copy of the contract with the St. Nicholas Sports Center, Inc., New York, for the rental by National Assembly for Democratic Rights of the place that was used for the meeting on September 23 and 24.

Will you examine it, Mr. Brandt? Do you recognize it as a document that you have seen before.

(The document was handed to the witness.)

Mr. TAVENNER. There is nothing tricky about that.

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Is that your signature at the bottom of the document? Will you look at it, please, sir?

Mr. BRANDT. I have looked at it.

Mr. TAVENNER. Is it your signature?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Brandt Exhibit No. 3," Mr. Chairman.

Mr. TUCK. The document will be so marked.

(Document marked "Brandt Exhibit No. 3" appears on opposite page.)

Mr. TAVENNER. For the benefit of the committee I will read just a little of it. It bears the date of July 8, 1961, "by and between the St. Nicholas Sports Center, Inc., as Lessor, and National Assn. for Democratic Rights, as Lessee." It is signed National Assembly for Democratic Rights, purportedly by Joseph Brandt, Manager.

Were you the manager, on July 8, 1961, of the National Association for Democratic Rights?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. National Assembly for Democratic Rights. Does that change your answer?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. I noticed——

Mr. SCHERER. Pardon me, Mr. Tavenner. What was the first information we ever had that an organization such as the National Assembly for Democratic Rights existed?

Mr. TAVENNER. August 13, 1961, was the first public announcement.

Mr. SCHERER. Has it been incorporated under the laws of any State, Mr. Tavenner?

Mr. TAVENNER. It is referred to as a one-shot organization by its officers, which means it was created for the purpose of this one meeting. However, there is plenty of material, plenty of reports relating to the conduct of the meeting which shows that that is not true, that they are endeavoring to organize groups all over the country to complete

the work which this organization allegedly began on September 23. It calls upon assistance by people, generally, over the country.

Mr. Brandt, the contract which I introduced in evidence shows that the consideration to be paid St. Nicholas Sports Center was $1,200. Did the Communist Party put up that money?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. SCHERER. It is a fact, Mr. Witness, that they did put up the money, isn't it? I ask the chairman to direct the witness to answer the question.

Mr. TUCK. I order and direct the witness to answer the question.

Mr. BRANDT. I refuse to answer for the same reasons I stated previously.

Mr. SCHERER. Who did put up the money?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Did you pay $100 down in cash at the time that you signed this contract?

Mr. BRANDT. I refuse to answer on the same grounds as stated previously.

Mr. TAVENNER. Was that your money?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. SCHERER. Could I see the contract a minute?

Mr. TAVENNER. Yes.

I hand you a photostatic copy of a letter bearing date of September 5, 1961, addressed to Mr. Silver, of the St. Nicholas Arena on stationery which bears the caption "National Assembly for Democratic Rights." Will you examine it, please, and state whether or not you wrote that letter? It bears the date of September 5, 1961.

(The document was handed to the witness.)

Mr. BRANDT. I refuse to answer on the grounds stated previously.

Mr. TAVENNER. I desire to introduce the document in evidence and ask that it be marked "Brandt Exhibit No. 4."

Mr. TUCK. The document will be admitted into the record.

(Brandt Exhibit No. 4 follows:)

BRANDT EXHIBIT No. 4

NATIONAL ASSEMBLY FOR DEMOCRATIC RIGHTS

119 EAST 28 STREET — NEW YORK 16, N. Y.

Phone: LE 2-6788

SIMON SCHACHTER
Secretary

September 5, 1961

Mr. Silver
St. Nicholas Arena
69 West 66th St.
New York, N. Y.

Dear Sir:

In looking over the contract for the National Assembly for Democratic Rights for September 23rd and 24th, I notice a mistake which was probably made by me when I originally contracted the Hall for this Conference.

It was my intention and the intention of the Organizing Committee to have it on Sunday until 5:30 P.M. Please make the necessary changes in the contract.

Sincerely yours,

Joseph Brandt

NATIONAL ASSEMBLY CONVENES
Sat. & Sun., Sept. 23-24 at St. Nicholas Arena, 69 W. 66 St., New York City

Mr. SCHERER. Does the stationery show the address of the National Assembly for Democratic Rights?

Mr. TUCK. Yes, sir. It is 118 East 28th Street, New York 16, New York.

Mr. SCHERER. That is a familiar address.

Mr. TAVENNER. The letterhead also shows the name of the secretary of the organization, Simon Schachter.

Will you tell the committee who appointed Simon Schachter, or how Simon Schachter was appointed to the position of secretary?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Reference was made to the address of the offices of the National Assembly for Democratic Rights. I hand you now an agreement of lease, bearing the date the 19th day of July 1961, with the Harvard Agency Co., Inc., as landlord, for the rental of Room 703, at 118 East 28th Street. Will you examine it, please, and state whether or not you can identify it as a copy of the record of lease for the premises occupied by the offices of the National Assembly for Democratic Rights?

Mr. BRANDT. I refuse to answer on the same grounds as stated before.

Mr. TAVENNER. I desire to offer the lease in evidence and ask that it be marked "Brandt Exhibit No. 5."

Mr. TUCK. The document will be so marked.

(Document marked "Brandt Exhibit No. 5" appears on opposite page.)

Mr. TAVENNER. Mr. Chairman, I would like to call the committee's attention particularly to the fact that the agreement is between the Harvard Agency Co., Inc., party of the first part, hereinafter referred to as the landlord, and Joseph Brandt, residing at 229 West 105th Street, New York, doing business under the trade name of National Assembly for Democratic Rights.

Mr. SCHERER. As an agent of the Communist—it does not say that?

Mr. TAVENNER. No, sir; he is not acting as agent for anybody. He is trading under the trade name National Assembly for Democratic Rights. Explain that to us.

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. From this document it would appear that you, as an individual, leased the premises at which the National Assembly for Democratic Rights maintained its offices. Now, I want you to explain it, if you have any explanation that you can make.

Mr. BRANDT. Are you asking me a question?

Agreement of Lease, made as of this 17 day of July 1961, between HARVARD AGENCY CO., INC.,

party of the first part, hereinafter referred to as LANDLORD, and JOSEPH BRANDT, residing at 229 West 105th Street, New York, N. Y., doing business under the trade name of NATIONAL ASSEMBLY FOR DEMOCRATIC RIGHTS

party of the second part, hereinafter referred to as TENANT

Witnesseth, Landlord hereby leases to Tenant and Tenant hereby hires from Landlord

Room 703

in the building known as 118 East 28th Street
in the Borough of Manhattan City of New York, for the term of Monthly

for until such term shall sooner cease and expire as hereinafter provided) to commence on the 20th day of July nineteen hundred and sixty-one, and to end on the day of nineteen hundred and
both dates inclusive, at a monthly rental rate of $1 (-FIVE($65.00)DOLLARS....

In Witness Whereof, Landlord and Tenant have respectively signed and sealed this lease as of the day and year first above written.

HARVARD AGENCY CO., INC.

Witness for Landlord:

BY: _____ (L. S.)
Vice-President

_____ (L. S.)
JOSEPH BRANDT

Witness for Tenant:

_____ (L. S.)
d/b/a the trade name of
NATIONAL ASSEMBLY FOR
DEMOCRATIC RIGHTS

CORP. SEAL

ACKNOWLEDGMENTS

CORPORATE LANDLORD
STATE OF NEW YORK, } ss.:
County of New York,

On this day of , 19 , before me personally came to me known, who being by me duly sworn, did depose and say that he resides in that he is the of the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

LANDLORD

CORPORATE TENANT
STATE OF NEW YORK, } ss.:
County of New York,

On this day of , 19 , before me personally came to me known, who being by me duly sworn, did depose and say that he resides in that he is the of the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

TENANT

INDIVIDUAL LANDLORD
STATE OF NEW YORK, } ss.:
County of New York,

On this day of , 19 , before me personally came to me known and known to me to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

LANDLORD

INDIVIDUAL TENANT
STATE OF NEW YORK, } ss.:
County of New York,

On this day of , 19 , before me personally came to me known and known to me to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

TENANT

Mr. TAVENNER. Yes, I want you to explain—if you have any explanation you can make—how it is that you are lessee of the premises in which the business of this organization is being conducted.

Mr. BRANDT. I refuse to answer on the grounds as stated before.

Mr. TAVENNER. Who paid the rent to Harvard Agency Co., Inc.?

Mr. BRANDT. I refuse to answer for the same reasons as stated before.

Mr. TAVENNER. Is it not a fact that this lease is prepared this way because you, as a member of the National Committee of the Communist Party of the United States, organized this group and acquired a place in which it could transact its business?

Mr. BRANDT. I refuse to answer on the same grounds as stated before.

Mr. TAVENNER. You stated, at the beginning of your testimony, your residence is in New York City. I have momentarily forgotten what you have said. Will you repeat it?

Mr. BRANDT. 229 West 105th Street.

Mr. TAVENNER. That is the same address as given here in the exhibit, Exhibit No. 5.

Then, Mr. Chairman, I would like to call to the committee's attention also that the agreement is signed in this manner: By Joseph Brandt, and then a seal after it, and then a second signature, Joseph Brandt with a seal after it, "doing business under the trade name of National Assembly for Democratic Rights," followed by a corporation seal.

Mr. SCHERER. May I see that, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

I have asked you a question as to whether or not, at the time you made the contract on July 8, you were a member of the National Committee of the Communist Party of the United States. I want to ask you specifically the question as to whether or not you held that position on July 19 when you signed this lease trading—doing business under the trade name of National Assembly for Democratic Rights.

Mr. BRANDT. I refuse to answer on the same grounds as stated before.

Mr. TAVENNER. You have been very prominent and active in the work of the Communist Party since at least 1950, have you not?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. I would like to read to you from an article by the present chairman of the Communist Party, Elizabeth Gurley Flynn, which appeared in the Daily Worker, May 25, 1950, and which relates to a meeting of the National Committee of the Communist Party held immediately prior thereto. It reads as follows:

> Joe Brandt, who is now in charge of the defense campaign of the Party, then reported that the Non-Partisan Committee for the Defense of the 12 Communist leaders and the Civil Rights Congress are planning activities to assure a campaign for the abolition of the Un-American Committee, and the freedom of all its victims; a special campaign on the 14th Amendment, as presented in the case of Eugene Dennis, for the rights of the Negro people; and adequate presentation and publicity for the pending appeals of the Foley Square frameup victims and their lawyers; the fight for the freedom of Dennis and all the Foley Square victims must be carried to millions of Americans.
>
> The detailed report on Party material available; plans for meetings, literature, letters, resolutions, etc., will be communicated to every major district directly by Comrade Brandt in the next few days. There can be no legal illusions left, after recent decisions. A mass movement alone will guarantee freedom of the political prisoners of 1950.

Mr. TAVENNER. Mr. Brandt, I have read from the article which I am now handing you. The underlined portion is what I read. Will you tell the committee whether or not, dating back as far as 1950, you have been one of the outstanding leaders in the Communist Party in the field of mass organization work?

(The document was handed to the witness.)

Mr. BRANDT. On the basis of the privilege guaranteed to me by the Constitution and the Bill of Rights and on the basis of the fifth amendment especially, I refuse to answer.

(Document marked "Brandt Exhibit No. 6" and retained in committee files.)

Mr. TAVENNER. Is there anything in the statement which I read to you, written by Elizabeth Gurley Flynn, the present chairman of the Communist Party, that is inaccurate as far as it relates to you?

(The witness conferred with his counsel.)

Mr. BRANDT. I refuse to answer on the same grounds, sir.

GIVE FREEDOM A CHANCE

Economic Affairs, support of the convention at a hearing of the Senate Foreign Relations Committee.

write or phone AD 4-0035 for Folder A-42.

BACK TO McCARTHYISM?

On June 5, 1961, by a narrow majority of 5 to 4, the Supreme Court upheld the McCarran Act requiring the Communist Party to register as a foreign agent and to turn in membership lists, and the membership provision of the Smith Act, which makes it a crime to be a "knowing" Communist Party member.

Is America safer as a result? Are our democratic institutions more secure? Is freedom more firmly entrenched? Has our reputation for liberty been enhanced in the eyes of the people of the world?

Or have we taken two long steps backward toward the dark days of the McCarthy era?

President Harry S. Truman vetoed the proposed McCarran law on the ground that it was unconstitutional and unenforceable.

Four justices of the Supreme Court—Chief Justice Warren and Justices Black, Douglas and Brennan—vigorously dissented from the Court's majority in these cases.

Justice Warren wrote: "I do not think that the Court's action can be justified . . . I believe that the (McCarran) Act does constitute a violation of the Fifth Amendment."

Justice Black stated: "When the practice of outlawing parties and various public groups begins, no one can say where it will end." And all 4 justices raised important constitutional objections that have not been acted upon.

Throughout the country, many newspapers which are opposed to Communism have expressed grave misgivings over the Court's decisions (see right).

Many leading organizations have long expressed firm opposition to the sweeping provisions of the McCarran Act.

Representative world journals consider the result will be to "encourage the spirit of McCarthy which has never been quite extinguished" (The Observer, London, England).

We, the undersigned, take our stand with the Court's minority, and with those who oppose both the McCarran and Smith Acts.

It is not just the Communists who will suffer from these repressive measures, but our country, our people, our democratic institutions and our nation's prestige. If the McCarran Act remains law, it becomes possible, under its dangerous theory of "parallelism," to outlaw many organizations as "Communist fronts," for advocating liberal democratic, civil libertarian and peace programs.

Under such a law, what assurance can there be for the immunity of the N.A.A.C.P. and the Freedom Riders, already branded by the segregationists as "Reds" and "Red dupes" for insisting on civil rights? Or even for ex-President Eisenhower who has been dubbed a "Communist" by the John Birch Society?

It is for these reasons that we support the convening of a National Assembly for Democratic Rights, to be held in New York City on Saturday and Sunday, September 23 and 24 at the St. Nicholas Arena, 69 W. 66 St., New York City.

The Assembly is a single-action undertaking, confined to bringing together supporters of constitutional freedom.

In supporting the Assembly, we do not commit ourselves to the views of any organization or individual who is or may become a victim of the law. We join ourselves with them only in defending the freedom guaranteed by the Constitution.

TYPICAL COMMENTS
ON THE SUPREME COURT DECISIONS

New York Post—June 9, 1961

"We have been slowly returning to the spirit of the principle that no man should be punished for what he says or thinks unless there is a clear showing that serious revolutionary action is imminent as a consequence of his words. Now we have taken a big step backward."

St. Louis Post-Dispatch—June 11, 1961

"The Supreme Court minority of Justices Black, Douglas, Brennan and Chief Justice Warren is right, we believe, in striving to stem the erosion of the First Amendment. We are confident that their philosophy, reflecting the historic view of American freedom, will one day become the doctrine of the majority."

Atlanta Constitution—June 8, 1961

"We doubt . . . that membership in such a party needs to be a crime. Even with the court's careful distinction between 'specific intent' and 'abstract doctrine' this ruling has the effect of outlawing beliefs. We have never done that before in America."

Boston Herald—June 8, 1961

"The real effect of the Court's decisions, as the New York Times points out, has been to weaken a little more the protections of the First and Fifth Amendments. The registration law . . . comes perilously close to compulsory self-incrimination."

Minneapolis Sunday Tribune—July 9, 1961

"Can We No Longer Tolerate Free Speech? . . . Are we ready to start down the road of believing that only the Republican and Democratic parties are 'safe' to belong to, and that some day perhaps even one of them . . . ?"

SPONSORS (Partial List)

Victor Arsoutoff
Mrs. Bertha Anderson
Rev. William T Baird
Rev. Lee H. Ball
Prof. Irwin R. Beiler
Hon. Elmer A. Benson
Warren K. Billings
Jessie F. Binford
Rabbi Maurice J. Bloom
Prof. Derk Bodde
Prof. G. Murray Branch
James L. Brewer, Esq.
Rev. Clinton E. Bromley
Valeda J. Bryant
Prof. Edwin Berry Burgum
Prof. Rudolph Carnap
Edwin H. Cerney
Isabel M. Cerney
Rev. Mark A. Chamberlain
Emil A. Champhe
Paul Corey
Dr. Henry Hitt Crane
Dr. Percy M. Dawson
Max Dean, Esq.
Dr. W. E. B. Du Bois
Dr. Lewis A. Eldridge, Jr.
Elizabeth P. Frazier
Rev. Stephen H. Fritchman
Dr. Royal W. France
Dr. Joseph B. Furst
Shirley Graham
Dr. Ralph H. Gundlach
Robert Gwathmey
Carl Haessler
Vincent Hallinan, Esq.
Dr. Alice Hamilton
William Harrison
Pearl M. Hart, Attorney
Dorothy Haven
Marian E. Herrick
Rev. Charles A. Hill
Victor A. Hoersch
Daniel Howard
Rev. Kenneth Hughes
Dr. Oakley C. Johnson
Samuel Kamen
Rockwell Kent
Rabbi Abraham Kramer
Irmgard Lecel
Dr. Sol Londe
Bishop Edgar A. Love
Helen H. MacMartin
Prof. Harvey K. McArthur
John T. McManus
John T. McTernan, Esq.
Harry Marinsky
Dr. Leo Mayer
Rev. William Howard Melish
Hon. Stanley Moffatt
James O. Monroe
Rev. Richard Morford
Capt. Hugh Mulzac
George B. Murphy, Jr.
Walter M. Nelson, Esq.
Rev. J. Pierce Newell
Berenice Noar
Father Clarence Parker
Prof. Linus Pauling
Rev. Edward L. Peet
Dr. Dryden Liosley Phelps
Prof. Arthur Upham Pope
Ralph E. Powe, Esq.
Bertha C. Reynolds
Prof. Theodore Rosebury
Simon Schachter, Esq.
Thomas L. Slater
Prof. Louise Pettibone Smith
Rev. William B. Spofford
Mrs. Pauline Taylor
Dr. Willard Uphaus
Prof. Harold C. Urey
Dr. Mary Van Kleeck
Mrs. Clara M. Vincent
Rev. Wm. Campbell Wasser
Prof. Leroy Watermao
Rev. Eliot White
Prof. Bertram F. Willcox
Rev. Roy M. Wingate
Rev. Leland Foster Wood

FILL OUT AND MAIL TODAY

National Assembly for Democratic Rights
118 E. 28th Street, Room 703, New York 16, N. Y.

☐ I want to attend the National Assembly in New York on Saturday and Sunday, Sept. 23 and 24. Enclosed is $2 for my registration fee.

☐ I am interested in the purposes of the National Assembly. Please send me a copy of the Call.

☐ I support the purposes of the National Assembly for Democratic Rights. Enclosed find $ ..... to help finance the cost of the Assembly and the costs of this advertisement.

Name ..... Address .....

City ..... Zone ..... State .....

(Send check or money order. Make check or money order payable to Simon Schachter, Secretary, N.A.F.D.R.).

GIANT FREEDOM RALLY

Sat. Sept. 23rd—8:00 P.M. • St. Nicholas Arena, 69 W. 66th St.

NATIONAL ASSEMBLY FOR DEMOCRATIC RIGHTS

ADMISSION 99c AT THE DOOR

118 EAST 28th St., New York 16, N. Y.

Mr. JOHANSEN. I would like to observe, Mr. Chairman, that if it is so damaging to acknowledge or deny the accuracy of that report, I think it would be damaging to have Elizabeth Gurley Flynn allege it. If it is good enough for her to disclose that you a party member, it is good enough for me.

Mr. FORER. She will be happy to hear that.

Mr. TUCK. Go ahead, Mr. Tavenner.

Mr. TAVENNER. Did you play any part in the selection of the sponsors of the National Assembly for Democratic Rights?

Mr. BRANDT. I refuse to answer on the grounds as stated before.

Mr. TAVENNER. Did you participate in the selection of individuals who would transmit the request to these people to become sponsors?

Mr. BRANDT. I refuse to answer for the same reasons as stated before.

Mr. TAVENNER. Did you communicate with the Reverend Willard Uphaus in connection with the solicitation of sponsors?

Mr. BRANDT. I refuse to answer for the same reasons as stated before.

Mr. TAVENNER. Did you suggest that Dr. Louise Pettibone Smith use the letterhead of the American Committee for Protection of Foreign Born in securing sponsors for this meeting?

Mr. BRANDT. I refuse to answer on the same grounds as stated before.

Mr. TAVENNER. Did you request the Reverend William T. Baird to use the letterhead of the Midwest Committee for Protection of Foreign Born in acting as solicitor for the sponsors?

Mr. BRANDT. I refuse to answer on the same grounds as stated before.

Mr. TAVENNER. Mr. Brandt, on September 7, 1961, we found a paid advertisement in the New York Times, which is also identical with one appearing in the National Guardian on September 4. This ad contains a list of sponsors, also. Did you have anything to do with the selection of those sponsors appearing in the ad? Let me hand it to you.

Mr. BRANDT. I refuse to answer on the same ground as stated before.

(Document marked "Brandt Exhibit No. 7" appears on opposite page.)

Committee Exhibit No. 1

Sponsors of National Assembly for Democratic Rights (as listed in New York Times ad, Sept. 7, 1961) who have been identified as members of the Communist Party and/or who have invoked the fifth amendment when questioned about Communist Party membership

Name	Identified as Communist Party member by—	Invoked 5th amendment
Arnautoff, Victor	Dr. Jack Patten, before HCUA [1] 6/19/57 (Hearings held in San Francisco, Calif., June 18–21, 1957—Part 1, p. 1166). Mrs. Dorothy Jeffers, before HCUA 6/21/57 (ibid., Part 2, p. 1293).	Before HCUA 12/11/56 (Communist Political Subversion—Part 1, p. 6924).
Benson, Elmer A	Louis Budenz, before SACB [2] 6/8 and 9/54; said he never met Benson, but knew him to be Communist "from official information" (Official Report of Proceedings before the SACB, hearings re: National Council of American-Soviet Friendship, pp. 2192 and 2228).	
Bryant, Valeda J	Karl Prussion, before HCUA 6/10/60, referred to Valeda Bryant, "in whose home many Communist Party meetings had been held" (Northern California District of the Communist Party—Part 3, pp. 2199 and 2201).	
Burgum, Edwin Berry	William Martin Channing, before New York City Subcommittee of the Joint Legislative Committee to Investigate the Public Educational System (New York State Legislative Document No. 49, 1942, pp. 246, 252, 253).	Before SISS [3] 10/13/52. (Name appears as *Edward* Burgum.) (Subversive Influence in the Educational Process—Part 1, pp. 270–277.) Before Senate Permanent Subcommittee on Investigations 7/1/53 (State Department Information Program—Information Centers—Part 7, pp. 433–439).

[1] House Committee on Un-American Activities. [2] Subversive Activities Control Board. [3] Senate Internal Security Subcommittee.

Cerney, Edwin H	Karl Prussion, before HCUA 5/13/60, identified Isobel Cerney "and her husband, Mr. Cerney," whose first name he did not recall. [Sources in committee files show Isobel Cerney as Mrs. Edwin H. Cerney.] (Northern California District of the Communist Party—Part 2, p. 2048.)	
Cerney, Isobel M	Mrs. Anita Bell Schneider, before HCUA 6/27/55 and 7/5/55 (Investigation of Communist Activities in the Los Angeles, Calif., Area—Part 1, p. 1517 and Investigation of Communist Activities in the San Diego, Calif., Area, p. 1913). Karl Prussion, before HCUA 5/13/60 and 6/10/60 (Northern California District of the Communist Party—Part 2, p. 2048 and Part 3, p. 2197).	
Dean, Max	Francis Xavier Thomas Crowley, before HCUA 6/28/54 (Communist Methods of Infiltration [Education—Part 9], p. 5776).	Before HCUA 5/13/54 (Investigation of Communist Activities in the State of Michigan—Part 9 [Flint], pp. 5652–5668).
Fritchman, Stephen H	----------	Before HCUA 9/12/51, in executive session (testimony released by full committee 7/31/53) (Testimony of Stephen H. Fritchman, 1953 hearings, pp. 1939–1950). Before HCUA 12/7/56, public hearing (Communist Political Subversion, pp. 6808–6819).
Furst, Joseph B	Stephanie Horvath (detective who worked undercover for New York City Police Department in CP), before SISS 5/28/53 (Communist Underground Printing Facilities and Illegal Propaganda, p. 277).	Before SISS 9/1/60 (Communist Infiltration in the Nuclear Test Ban Movement—Part 2, pp. 84–86).
Graham, Shirley	Louis Budenz, before SACB 6/8/54 (Official Report of Proceedings before the Subversive Activities Control Board, hearings re: National Council of American-Soviet Friendship, p. 2191; also Report and Order of SACB, Feb. 7, 1956, Docket No. 104–53, p. vii).	

COMMITTEE EXHIBIT No. 1

Sponsors of National Assembly for Democratic Rights (as listed in New York Times ad, Sept. 7, 1961) who have been identified as members of the Communist Party and/or who have invoked the fifth amendment when questioned about Communist Party membership—Continued

Name	Identified as Communist Party member by—	Invoked 5th amendment
Gundlach, Ralph H	Harold W. Sunoo, before HCUA 6/18/54 (Investigation of Communist Activities in the Pacific Northwest Area—Part 7, p. 6492). Sarah M. Eldredge, Isabel H. Costigan, H. C. Armstrong, Ward F. Warren, Nat Honig, and George Hewitt, before the Washington State Joint Legislative Fact-Finding Committee on Un-American Activities in 1948. (First and Second Reports, Washington State Joint Legislative Fact-Finding Committee; First, pp. 115, 371, 421; Second, pp. 123, 126, 127, 169, 213, 253). Larry Kerley, before Senate Judiciary Subcommittee on Immigration and Naturalization, 9/15/49, named Ralph Havelson (sic) Gundlach as one of the "contacts" of Gregori Kheifets, Soviet vice consul at San Francisco, around whom "west-coast Communist espionage centered" (Communist Activities Among Aliens and National Groups, p. 810).	Gundlach refused to answer the question whether he was or ever had been a member of the CP when testifying before the Washington State Joint Legislative Fact-Finding Committee on Un-American Activities in 1948. (Second Report of the committee, 1948, pp. 204–206). He was subsequently convicted of contempt for so refusing.

Harrison, William	Herbert A. Philbrick, before HCUA 7/23/51 (Expose of Communist Activities in the State of Massachusetts, pp. 1279 and 1299). Harrison Harley, before SISS on 5/7/53 (Subversive Influence in the Educational Process, p. 897). Armando Penha, before HCUA 3/18/58 (Investigation of Communist Activities in the New England Area—Part 1, p. 2112).	Before the Special Commission on Communism, Subversive Activities and Related Matters Within the Commonwealth of Massachusetts, December 15, 1954 (invoked the privileges of the Twelfth Article of the Massachusetts Declaration of Rights, which is comparable to the Fifth Amendment). (Interim Report of the Special Commission, June 1955, pp. 113 and 114).
Hill, Charles A		Before HCUA 2/27/52 (Communism in the Detroit Area—Part 1, pp. 2819–2832). Before HCUA 12/3/56 (Communist Political Subversion, pp. 6522–6529).
Johnson, Oakley C	John Lautner, before HCUA, 4/11/57 (Investigation of Communism in the Metropolitan Music School, Inc., and Related Fields, Part 2, p. 800). Johnson was dismissed as an English instructor at the City College of New York in 1932 for Communist activities. In a statement protesting his dismissal, he referred to "my open support of the Communist Party."	Before HCUA, 4/11/57 (Investigation of Communism in the Metropolitan Music School, Inc., and Related Fields, Part 2, p. 800).
Kent, Rockwell	Benjamin Gitlow, before HCUA, 10/17/39 (Hearings Before Special Committee on Un-American Activities, p. 5988). Louis Budenz, before Washington State Joint Legislative Fact-Finding Committee, 1/27/48 (First Report, Washington State Joint Legislative Fact-Finding Committee, 1948, p. 32).	Before Senate Permanent Subcommittee on Investigations, 7/1/53 (State Department Information Program—Information Centers—Part 7, p. 419).
Londe, Sol (Dr.)	Joseph John Schoemehl, before HCUA, 6/2/56 (Investigation of Communist Activities in the St. Louis, Mo., Area, Part 3, pp. 4960–4961).	Before HCUA 6/6/56 (Investigation of Communist Activities in the St. Louis, Mo., Area, Part 3, pp. 4889–4894).
McManus, John T		Before SISS, 1/4/56 (Senate Internal Security Subcommittee, Part 17, pp. 1655–1675).

COMMITTEE EXHIBIT NO. 1

Sponsors of National Assembly for Democratic Rights (as listed in New York Times ad, Sept. 7, 1961) who have been identified as members of the Communist Party and/or who have invoked the fifth amendment when questioned about Communist Party membership—Continued

Name	Identified as Communist Party member by—	Invoked 5th amendment
McTernan, John T	David Aaron, before HCUA, 1/23/52 (Communist Activities Among Professional Groups in the Los Angeles Area—Part 1, pp. 2504, 2506, 2509, 2527). A. Marburg Yerkes, before HCUA, 1/24/52 (same source as above, pp. 2550, 2551, 2553, 2557, 2568, 2569, 2571, 2574, 2575, 2578, 2581).	Before HCUA, 4/21/56 (Investigation of Communist Activities in the Los Angeles Area, Part 10, pp. 4061–4071).
Melish, William Howard (Rev.)	Louis Budenz, before SACB. (Recommended decision, case of *AG* v. *National Council of American-Soviet Friendship* [Docket No. 104–53], Board member David J. Coddaire found: "The Melish assertion that he never has been a member of the Communist Party is not credible when viewed in the light of his entire testimony * * *." "The testimony of Budenz showing Melish to be a member of the Communist Party in 1944 is credited." Melish had appeared as a witness in the SACB hearing, testifying that he was not and had never been a member of the Communist Party.	

Melish, William Howard (Rev.)	The Report and Order of the full Board (2/7/56) did not make a specific finding that Melish was a formal member of the Communist Party. It did, however, discuss conflicts in testimony, including those between Budenz and Melish, and concurred with Examiner Coddaire's assessment of Melish's testimony. The Board reported: "* * * we concur with the Examiner's assessment of Melish's manner of testifying in relation to his reliability, and we find that the declination of the Examiner to credit Melish's testimony in explanation or denial of connection with Party's activities was justified."	
Morford, Richard (Rev.)	Louis Budenz, before SACB (SACB Docket No. 104–53, *AG* v. *National Council of American-Soviet Friendship*, Report & Order of the Board, 2/7/56, p. 21: "[Louis] Budenz gave evidence showing Morford to have been a member of the CP in 1943 or 1944, and [Ralph] Clontz was told by a Party functionary in 1951 that he need not worry about the Party loyalty of Morford * * *. We find that Morford is a member of the Party."	
Mulzac, Hugh		Before HCUA, 11/12/56 (Communist Political Subversion, Part 1, pp. 6286–6298). Before HCUA, 6/8/60 (Communist Activities Among Seamen and on Waterfront Facilities, Part 1, pp. 1827–1830).
Murphy, George B., Jr	Dorothy Funn Swan, before HCUA, 11/12/56 (Communist Political Subversion, Part 1, pp. 6218, 6219).	Before HCUA, 11/12/56 (Communist Political Subversion, Part 1, pp. 6203–6291).

COMMITTEE EXHIBIT NO. 1

Sponsors of National Assembly for Democratic Rights (as listed in New York Times ad, Sept. 7, 1961) who have been identified as members of the Communist Party and/or who have invoked the fifth amendment when questioned about Communist Party membership—Continued

Name	Identified as Communist Party member by—	Invoked 5th amendment
Spofford, William B. (Rev.)	Louis Budenz, before SACB, 6/8/54 (Official Report of Proceedings before the SACB, Docket No. 104–53, p. 2191: When shown a letterhead of the National Council of American-Soviet Friendship, 11/8/49, and asked by Mr. Connor: "Directing your attention to the officers and board of directors appearing thereon, I ask you to identify any persons appearing there as members of the Communist Party other than those who have already been identified." Budenz replied: "* * * Reverend William B. Spofford * * *.") NOTE: SACB Report and Order of the Board, dated 2/7/56, Appendix B, p. vii: "Individuals who were members for the years set forth of the Board of Directors of the NCASF, and who were shown on the records to have been members of the Communist Party and the witnesses who identified them", failed to name William B. Spofford.	
Van Kleeck, Mary	Louis Budenz, before SISS, 8/21/51 (Institute of Pacific Relations, Part 1, p. 682) and SACB (Report and Order of the Board, *AG* v. *National Council of American-Soviet Friendship*, Docket No. 104–53, 2/7/56, Appendix B, p. vii).	

White, Eliot (Rev.)	The Daily Worker of August 19, 1943, page 3, reported: "The Rev. Eliot White, formerly associated with the historic Grace Church and now on the retired list of the New York Episcopal Diocese, and Mrs. Mabel R. White, have joined the Communist Party, it was announced by the State Committee of the Party yesterday. In a formal statement giving his reasons for joining the Communist Party, the Rev. White said: 'I find Communism maintains the teachings of the Bible, which I promised my Bishop, when I was ordained to the Ministry of the Episcopal Church nearly fifty years ago, to follow in my life and preaching.' "	

Mr. TAVENNER. When you took that ad to the New York Times to place there, did the New York Times demand that you procure the consent and approval of all the signers?

(The witness conferred with his counsel.)

Mr. BRANDT. You have assumed that I took that ad to the New York Times in your remarks.

Mr. SCHERER. Is that assumption of Mr. Tavenner incorrect?

Mr. TAVENNER. I am incorrect about that. He did not take it directly to them.

You took it to an advertising agency, didn't you?

Mr. BRANDT. I refuse to answer on the same grounds as stated before.

Mr. TAVENNER. Because you could whittle out of the advertising agency 5% and get it done cheaper than you could if you took it direct to the New York Times. That is right; isn't it?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Did the New York Times, in the course of arranging for the printing of this ad, request assurance that the sponsors had agreed to their names being put on this document?

Mr. BRANDT. I refuse to answer on the same grounds as stated before.

Mr. TAVENNER. I hand you a document bearing the date of August 29, 1961, on the letterhead of the National Assembly for Democratic Rights addressed "To Whom It May Concern." I will ask you whose name is signed to that document.

(The document was handed to the witness.)

Mr. BRANDT. Well, you can read the name.

Mr. TAVENNER. I can, but whose name is it?

Mr. BRANDT. It says "Simon Schachter."

Mr. TAVENNER. Does it give his title?

Mr. BRANDT. It says "Secretary."

Mr. TAVENNER. The document reads as follows:

I hereby certify that the signatures for this advertisement for the New York Times of Thursday, September 7th, have each consented to the use of their names.

Where are those consents?

Mr. BRANDT. I refuse to answer on the same grounds as stated before.

(Document marked "Brandt Exhibit No. 8" and retained in committee files.)

Mr. TAVENNER. Do you have them in your possession as manager of the National Assembly for Democratic Rights?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Mr. Chairman, we have demonstrated here, I think, by adequate proof that this witness is the manager of the National Assembly for Democratic Rights, and I ask for the issuance of a subpena directing him, as manager, to produce any written records or all written records indicating the consent which is the subject of this letter of August 29.

Mr. TUCK. The subpena will be issued in due form.

Mr. TAVENNER. Mr. Chairman, the committee procured through a subpena duces tecum, a photostatic copy of a check bearing date of September 6, 1961, payable to the order of—I am sorry but I am having trouble reading your writing—I think, payable to Blumberg & Clarich, Inc., whose address is 853 Broadway, New York, for $1995, signed "National Assembly for Democratic Rights, Joseph Brandt." Will you examine it, please?

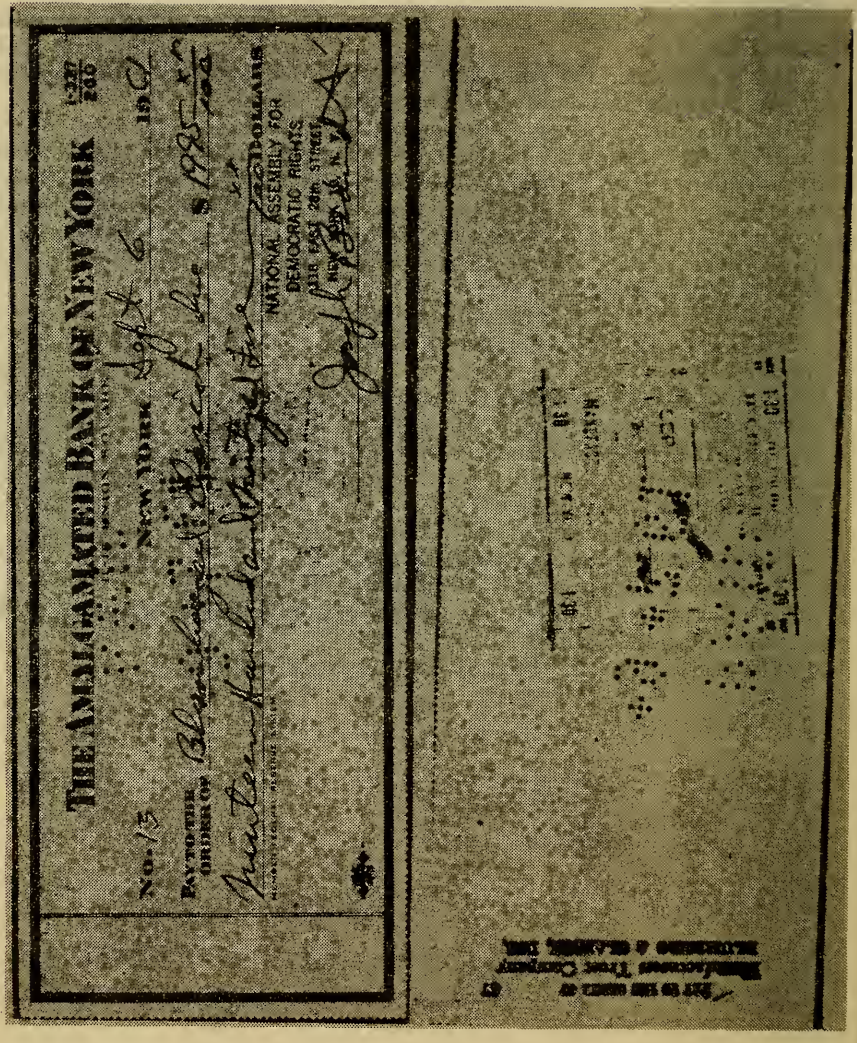
(The document was handed to the witness.)

Mr. TAVENNER. Is that your signature?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. I offer the check in evidence and ask that it be marked "Brandt Exhibit No. 9."

(Document marked "Brandt Exhibit No. 9" follows:)



BRANDT EXHIBIT No. 9

Mr. TAVENNER. I hand you now a bill for $1995, marked paid, showing that it is in payment for the publication on Thursday, September 7, of the article in question, less 5%. Will you examine it, please?

(The document was handed to the witness.)

Mr. TAVENNER. How did you find out that you could get the same service at 5% less by going to an agency rather than directly to the New York Times? How did you find that out?

Mr. BRANDT. I refuse to answer that on the grounds stated before.

Mr. TAVENNER. I desire to introduce the document into evidence and ask that it be marked "Brandt Exhibit No. 10."

Mr. TUCK. The document will be so marked.

(Document marked "Brandt Exhibit No. 10" follows:)

BRANDT EXHIBIT No. 10

MERCHANDISING ● ● CONSULTANTS

SALES PROMOTION *Advertising* MANAGEMENT

BLUMBERG & CLARICH, INC. 853 BROADWAY, N. Y. 3 • GRamercy 7-8900

To: National Assembly For Democratic Rights
118 E. 28 St., NY 16

Invoice 21145

Date: September 6, 1961

Terms: Net Cash ON RECEIPT

FOR OFFICE USE ONLY	DESCRIPTION			AMOUNT	TOTAL
	For Professional Services:				
	MEDIA	TOTAL LINES	RATE PER LINE		
21722	New York Times Thur. 9/7	875	2.40	2100 00	
	Less 5%	-	-	105 00	
					1995 00

Pd. 9/6/61
Etc.

WE DO NOT SEND STATEMENTS - PLEASE PAY FROM THIS INVOICE

Mr. SCHERER. That money, Witness, that you used to pay for that ad came from the Communist Party, didn't it?

Mr. BRANDT. That is your statement.

Mr. SCHERER. Is that statement incorrect?

Mr. BRANDT. That is your statement.

Mr. SCHERER. I am asking you now.

Mr. BRANDT. Are you asking me a question or making a statement?

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer the question.

Mr. TUCK. The committee orders and directs the witness to answer the question.

Mr. BRANDT. I refuse to answer on the ground of the privilege given to me by the fifth amendment, the Bill of Rights, and the Constitution.

Mr. TAVENNER. Mr. Chairman, it is now after 5 o'clock. I am not far enough along to say we could finish within a half hour. I think we probably should adjourn until tomorrow morning, because I would like the committee to sit in executive session for a few minutes.

Mr. TUCK. Unless there is objection on the part of members of the committee, the committee will now stand in recess until tomorrow morning at 9:30 o'clock.

(Whereupon, at 5:10 p.m., Monday, October 2, 1961, the public hearing was recessed, to reconvene at 9:30 a.m., Tuesday, October 3, 1961, and the subcommittee went into executive session.)

EXECUTIVE SESSION [1]

MONDAY, OCTOBER 2, 1961, 5:20 P.M.

The subcommittee of the Committee on Un-American Activities reconvened at 5:20 p.m. in the office of Representative William M. Tuck, Old House Office Building, Hon. William M. Tuck presiding.

Subcommittee members present: Representatives William M. Tuck, of Virginia, and Gordon M. Scherer, of Ohio.

Committee members present: Representatives August E. Johansen, of Michigan; Donald C. Bruce, of Indiana; and Henry C. Schadeberg, of Wisconsin.

Staff members present: Frank S. Tavenner, Jr., director; Alfred M. Nittle, counsel; and Donald T. Appell, investigator.

Mr. TAVENNER. Mr. Chairman, I desire to call a matter to the committee's attention regarding the witness, Simon Schachter. Counsel accompanying Mr. Schachter handed me this morning a doctor's certificate executed by Dr. Robert V. Sager of the Central Manhattan Medical Group, New York City, in which he states that Mr. Schachter, aged 67, has been a patient of his for 10 years, suffers from diabetes mellitus, cerebral arteriosclerosis, and Parkinsonism. He describes his condition as often being unable to articulate without a long hesitation in speech, aggravated by emotional situations. For these reasons the witness asks to be excused from testifying.

Normally, in a situation of this kind, we would cause an examination to be made by a Government doctor, but having observed the witness, it is quite apparent to a layman that the witness is ill. Therefore, I am reluctant to recommend that he be compelled to testify. You will probably recall from the testimony today that Mr. Schachter's name was signed as secretary of the National Assembly for Democratic Rights.

---

[1] Released by the committee and ordered to be printed.

Mr. TUCK. As I understand, it is the sentiment of the committee that he be excused. Is that right?

Mr. SCHERER. Yes.

Mr. JOHANSEN. It is mine.

Mr. BRUCE. It is mine.

Let me ask a question off the record.

(Discussion off the record.)

(Whereupon, at 5:40 p.m., Monday, October 2, 1961, the executive session of the subcommittee was recessed.)

○

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Union Calendar No. 550
87th Congress, 1st Session - - - House Report No. 1282—Part 2

MANIPULATION OF PUBLIC OPINION BY ORGANIZATIONS UNDER CONCEALED CONTROL OF THE COMMUNIST PARTY

(National Assembly for Democratic Rights and Citizens Committee for Constitutional Liberties)

NOVEMBER 30, 1961.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WALTER, from the Committee on Un-American Activities, submitted the following

REPORT

[Pursuant to H. Res. 8, 87th Cong., and Public Law 601, 79th Cong.]

U.S. GOVERNMENT PRINTING OFFICE
76072 WASHINGTON : 1961

MANIPULATION OF PUBLIC OPINION BY ORGANIZATIONS UNDER CONCEALED CONTROL OF THE COMMUNIST PARTY

(NATIONAL ASSEMBLY FOR DEMOCRATIC RIGHTS AND CITIZENS COMMITTEE FOR CONSTITUTIONAL LIBERTIES)

REPORT AND HEARINGS

OF THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH CONGRESS

FIRST SESSION

PART 2

OCTOBER 3, 1961

Printed for the use of the Committee on Un-American Activities

(INCLUDING INDEX)

COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

FRANCIS E. WALTER, Pennsylvania, *Chairman*

MORGAN M. MOULDER, Missouri	GORDON H. SCHERER, Ohio
CLYDE DOYLE, California	AUGUST E. JOHANSEN, Michigan
EDWIN E. WILLIS, Louisiana	DONALD C. BRUCE, Indiana
WILLIAM M. TUCK, Virginia	HENRY C. SCHADEBERG, Wisconsin

FRANK S. TAVENNER, JR., *Director*
ALFRED M. NITTLE, *Counsel*
JOHN C. WALSH, *Co-counsel*
GWENN LEWIS, *Administrative Assistant*

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Public Law 601, 79th Congress

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946]; 60 Stat. 812, which provides:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

Rule X

SEC. 121. STANDING COMMITTEES

* * * * * * *

17. Committee on Un-American Activities, to consist of nine Members.

Rule XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * * * *

Rule XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 87TH CONGRESS

House Resolution 8, January 3, 1961

* * * * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * * * *

(r) Committee on Un-American Activities, to consist of nine Members.

* * * * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

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* * * * * * *

27. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

MANIPULATION OF PUBLIC OPINION BY ORGANIZATIONS UNDER CONCEALED CONTROL OF THE COMMUNIST PARTY

(National Assembly for Democratic Rights and Citizens Committee for Constitutional Liberties)

(PART 2)

TUESDAY, OCTOBER 3, 1961

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.

PUBLIC HEARINGS

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 9:55 a.m., in the Caucus Room, Old House Office Building, Washington, D.C., Honorable Francis E. Walter (chairman of the committee) presiding.

Subcommittee members: Representatives Francis E. Walter, William M. Tuck, and Gordon H. Scherer.

Committee members present: Representatives Francis E. Walter, of Pennsylvania; William M. Tuck, of Virginia; Gordon H. Scherer, of Ohio; Donald C. Bruce, of Indiana; and Henry C. Schadeberg, of Wisconsin. (Appearances as noted.)

Staff members present: Frank S. Tavenner, Jr., director; Alfred M. Nittle, counsel; John C. Walsh, co-counsel; and Donald T. Appell, investigator.

Mr. TUCK (presiding). The committee will come to order.

(Members present at time of convening: Representatives Tuck, Scherer, Bruce, and Schadeberg.)

Mr. NITTLE. Louis Weinstock.

Mr. TUCK. Will you stand and raise your right hand, please?

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WEINSTOCK. I do.

TESTIMONY OF LOUIS WEINSTOCK, ACCOMPANIED BY COUNSEL, JOSEPH FORER

Mr. NITTLE. Will you state your name, please?

Mr. WEINSTOCK. My name is Louis Weinstock.

Mr. NITTLE. I see you are represented by counsel, Mr. Weinstock. Will counsel kindly identify himself for the record?

Mr. FORER. Joseph Forer, Washington, D.C.

Mr. NITTLE. Where do you reside, Mr. Weinstock?

Mr. WEINSTOCK. 24 Metropolitan Oval, New York, N.Y.

(At this point, Chairman Walter entered the hearing room.)

Mr. NITTLE. What is your present occupation?

Mr. WEINSTOCK. I am a house painter.

Mr. NITTLE. Are you also the general manager of Publishers New Press, Inc., a publisher of the Worker?

Mr. WEINSTOCK. I am not.

Mr. NITTLE. When did you cease being the general manager of the Worker?

Mr. WEINSTOCK. I never said that I was the manager.

The CHAIRMAN. Were you the manager at any time?

Mr. WEINSTOCK. Now, gentlemen, I really don't see the relevance of the question whether I was or wasn't. You asked me the question first whether I was the manager of the Worker. I am not.

The CHAIRMAN. Were you ever the manager of the Worker?

Mr. WEINSTOCK. Before I answer this question I would like to say something.

I have been sitting here all afternoon yesterday and watching this performance here.

A gentleman by the name of McNamara sitting here for an hour being questioned——

The CHAIRMAN. Now, I have asked you a question.

Mr. WEINSTOCK. May I finish my sentence?

The CHAIRMAN. No. I do not propose to sit here and listen to you attack a fine American.

Mr. WEINSTOCK. You don't know what I am going to say.

The CHAIRMAN. I know what you are saying, talking about performance. You were listening to the testimony and you did not like it, from a man who was a leader of the Veterans of Foreign Wars for many years.

Will you answer the question: Were you ever the manager of the Worker?

Mr. WEINSTOCK. Gentlemen, somehow I feel it enters the field of the freedom of the press. I don't see how I can help this committee in its legislative work to tell you whether I was or I wasn't. Therefore, I feel that this is a violation of the first amendment, Mr. Chairman.

The CHAIRMAN. We will decide whether or not you can——

Mr. WEINSTOCK. I have to decide for myself whether you are violating my constitutional rights and I think you are.

I am going to invoke the first amendment, which guarantees my freedom of speech, freedom of assembly, and freedom of association.

I am also going to invoke the fifth amendment.

The CHAIRMAN. Do you honestly believe if you answered this question, whether or not you were ever manager of the Worker, that you would be confronted with the possibility of defending yourself in a criminal action?

(The witness conferred with his counsel.)

Mr. WEINSTOCK. Whether honestly I believe or not, it is possible I may. Therefore I invoke the fifth amendment.

Mr. NITTLE. Mr. Weinstock, I show you a copy of a subpena issued under the hand of the chairman of this committee dated September

22, 1961, with return of service thereon indicating that this subpena was served upon you at 10 a.m. on the 27th day of September 1961, by an investigator of this committee, William Margetich.

Were you served with that subpena on the 27th day of September 1961?

The CHAIRMAN. Is not the subpena the best evidence whether or not it was served?

Mr. FORER. He is willing to answer the question, Mr. Chairman.

The CHAIRMAN. The affidavit is the best evidence rule.

Mr. FORER. There is no question he was served. He is not absolutely certain of the time and date, that is all.

Mr. NITTLE. And you were served with this subpena at the offices of the Worker in New York, were you not?

(The witness conferred with his counsel.)

Mr. WEINSTOCK. Before I answer this, I was working, I was at home, and they called me from the Worker office that a man is looking for me with some papers. So I told them that I am busy but if the man wants to come back next day I will take off from work and I will meet the man at 10 o'clock, and I met him in that office a day later.

Mr. NITTLE. Were you the general manager of the Worker on September 27, 1961, at the time this subpena was served upon you?

Mr. WEINSTOCK. I answered that. My answer is, No, I was not.

Mr. NITTLE. Were you the general manager of Publishers New Press, Inc., a publisher of the Worker on September 24, 1961?

(The witness conferred with his counsel.)

Mr. WEINSTOCK. I was not.

Mr. NITTLE. I show you a copy of the Worker, dated September 24, 1961, page 3 thereof, where, in accordance with the publisher's notice, you are listed as general manager of this newspaper.

Mr. FORER. Mr. Nittle, do you happen to know when that went to press? You said it was dated the 24th.

(Document handed to counsel and witness.)

Mr. WEINSTOCK. You just asked me if I saw this. I am looking at it.

Mr. NITTLE. Is the information contained in the Worker to the effect that you are its general manager as of September 24, 1961, correct?

(The witness conferred with his counsel.)

Mr. WEINSTOCK. It is not correct because I was not the general manager on the date.

(Document marked "Weinstock Exhibit No. 1" follows:)

WEINSTOCK EXHIBIT No. 1

THE WORKER, SUNDAY, SEPTEMBER 24, 1961 Page 3

The Worker

Published every Sunday by the Publishers New Press, Inc., 23 West 26 St., New York 10, N. Y. ORegon 9-9450.
Address all mail to: The Worker, Box 28, Madison Square Station, New York 10, N. Y. Cable: DAIWORK, New York.
Second class postage paid at New York 1, N. Y. Return postage guaranteed.
Subscription rate: 1 year, $5 (except Canada and foreign).

CHICAGO office: 36 West Randolph St., Room 806, RAndolph 6-9198.
DETROIT office: 1442 Griswold, Room 303, WOodward 4-9015.
MINNEAPOLIS office: 425 Hennepin Ave., Room 206. JAckson 9-8135.
Editor: James Jackson, Managing editor: Erik Bert.
Editorial staff: Joseph North, foreign editor, George Morris, T. R. Bassett, Jesus Colon, Jack Stachel, Daniel Mason, Ben Levine, Mike Gold, Mike Newberry, Elizabeth Gurley Flynn, Art Shields, William Allan, Detroit, Sam Kushner, Chicago.
Foreign Correspondents: MOSCOW, John Pittman, Margrit Pittman; BERLIN, George Lohr; PEKING, Sidney Rittenberg; PRAGUE, Eleanor Wheeler; WARSAW, Harry Yaris.
General Manager: Louis Weinstock; Office Manager: Dorothy Robinson.

The CHAIRMAN. Did you have any position whatsoever if you were not general manager of the Worker?

Mr. FORER. Excuse me, Mr. Walter, he will answer that question in a minute, but he wanted to complete his preceding answer to make it clear he was referring to the date of September 24.

Mr. WEINSTOCK. I was not the general manager on the 24th of September.

Mr. FORER. The pending question of the chairman was whether you had any other position with the Worker on September 24.

Mr. WEINSTOCK. I did not.

Mr. NITTLE. I show you a photostatic copy of the Worker for October 1, 1961, which carries a news item that James Lustig is the new Worker manager. Do you know James Lustig?

(The document was handed to the witness.)

Mr. WEINSTOCK. I must remind you, Mr. Chairman, again, that I feel this is a violation of the first amendment. This is again a question of the freedom of the press, and I shall invoke the constitutional rights guaranteed to me.

The CHAIRMAN. You refuse to answer the question?

Mr. WEINSTOCK. Yes.

(Document marked "Weinstock Exhibit No. 2" follows:)

WEINSTOCK EXHIBIT No. 2

James Lustig, New Worker Manager, Has Long Record of Labor Leadership

THE PUBLISHERS of the Worker announced last week that James Lustig has succeeded Louis Weinstock as the paper's general manager.

Lustig has a history of leadership in the labor movement that dates back to the thirties.

Before the formation of the CIO, he helped to organize the Independent Metal Workers Union. He later became district representative of the International Association of Machinists, AFL.

After joining the CIO, he became District 4 representative of the United Electrical, Radio and Machine Workers of America (UE) — a position he held for many years.

He has helped to organize thousands of workers and has negotiated hundreds of collective bargaining contracts.

He led dozens of strikes, the most important of which was the eight-month strike against the Phelps Dodge Copper Products Corporation, that resulted in one of the best contracts in the copper industry.

While in the trade union movement he championed not only the day to day economic interests of the workers, but raised the larger issues of war and peace, civil liberties, discrimination, special protection for women workers, and others.

Before he became a leader in the trade union movement, he was a metal worker in Cleveland and New York.

Lustig emigrated to the U. S. in 1921 from his native Hungary where he was born in 1902. He attended high school in Hungary.

Louis Weinstock served as general manager of the Worker since March 1960, when he left his job in the building trades industry. Under his management Worker circulation improved, and many successful affairs were organized on behalf of the paper. Weinstock will continue his activities in building The Worker and Midweek Worker, while he assumes other active work in the movement.

LUSTIG

Mr. NITTLE. This item records that:

Louis Weinstock served as general manager of the Worker since March 1960, when he left his job in the building trades industry. Under his management Worker circulation improved, and many successful affairs were organized on behalf of the paper. Weinstock will continue his activities in building The Worker and Midweek Worker, while he assumes other active work in the movement.

Mr. SCHERER. Did you say "in the movement"?

Mr. NITTLE. That is the data contained in the Worker for October 1, 1961.

The CHAIRMAN. "In the movement," referring to what, Mr. Nittle?

Mr. NITTLE. There is no clear indication, expressly at least, in the article as to what they refer to as "the movement."

Do you know, Mr. Weinstock, to what this article refers when it says you will continue "other active work in the movement"?

Mr. WEINSTOCK. I think you have an expert here who can explain all these articles. I listened to him for an hour yesterday.

As far as I am concerned, I will invoke the fifth amendment and I am not going to answer your question.

Mr. NITTLE. In view of your long service with the Worker and the Communist movement, we thought you might be an expert.

Can you tell us whether the words "in the movement" refer to the Communist movement—or what do they refer to?

Mr. WEINSTOCK. I am paying one day's work each week to maintain this committee here. I think that your expert did a very expert job.

Mr. NITTLE. We are spending over 40 billions of dollars of the taxpayers' money to maintain our defense because of your comrades in Russia.

Mr. WEINSTOCK. I work very hard with my two hands and every week 20 percent of my money goes off to maintain this kind of performance which is unconstitutional and——

Mr. NITTLE. Our people are not only working with their hands but have laid down their lives in order to fight this movement.

Now, the article in the Worker for October 1 indicates that the publishers of the Worker announced only last week that James Lustig has succeeded Louis Weinstock as the paper's general manager.

Mr. WEINSTOCK. I refuse to answer on the same grounds.

Mr. NITTLE. Is that report correct?

Mr. WEINSTOCK. I refuse to answer on the same grounds as I have stated before.

Mr. NITTLE. Were you the general manager of the Worker as of September 21, 1961?

Mr. WEINSTOCK. I refuse to answer this question on the grounds stated before.

Mr. NITTLE. Now, this subpena which was served upon you demanded that you produce for the committee certain letters, correspondence, and memoranda relating to advertisements which appeared in the Worker and were paid for by, or on behalf of, any agent of the National Assembly for Democratic Rights and the Citizens Committee for Constitutional Liberties.

Do you have any knowledge of the advertisements placed in the Worker relating to the National Assembly for Democratic Rights and the Citizens Committee for Constitutional Liberties?

(The witness conferred with his counsel.)

Mr. WEINSTOCK. First of all, you are putting two questions, but I refuse to answer the both questions on the grounds stated before.

Mr. NITTLE. You do not object to the fact that I have combined the National Assembly with the Citizens Committee?

Mr. WEINSTOCK. I don't object—I object to everything, but specifically I object to your putting two questions together.

Mr. NITTLE. Let me separate them.

Do you know anything about the advertisements placed in the Worker by, or on behalf of, the National Assembly for Democratic Rights in the issues dated August 27, 1961, and September 3 and 10, 1961?

Mr. WEINSTOCK. I hate to repeat this but I must say again this is a violation of the first amendment of the Constitution.

The CHAIRMAN. Will you answer the question?

Mr. WEINSTOCK. I refuse to answer the question on the fifth and first amendments of the Constitution.

The CHAIRMAN. You honestly feel that if you answered this question with respect to an advertisement in the Worker you might be subjected to a criminal prosecution?

(The witness conferred with his counsel.)

Mr. WEINSTOCK. It is possible, Mr. Chairman. I have seen a lot of things happen here.

(Documents marked "Weinstock Exhibit No. 3" and retained in committee files.)

Mr. NITTLE. Do you have any knowledge of any advertisement placed with the Worker by, or on behalf of, the Citizens Committee for Constitutional Liberties in the issues dated July 16 and July 23, 1961?

Mr. WEINSTOCK. I didn't get the question. I'm sorry. I was thinking of something.

Mr. NITTLE. Will the reporter please read the question back to the witness?

(The question was read by the reporter.)

Mr. WEINSTOCK. Mr. Chairman, I refuse to answer this question on the grounds as stated before, but I want to point out something here.

The chairman twice asked me whether I feel that I may be incriminated.

Mr. NITTLE. You have answered the question, I think.

(Documents marked "Weinstock Exhibit No. 4" and retained in committee files.)

Mr. NITTLE. Was any payment in fact made, any payment at all made, by the National Assembly for Democratic Rights to the Worker for these particular advertisements of August 27 and September 3 and 10?

(The witness conferred with his counsel.)

Mr. WEINSTOCK. I refuse to answer this question.

Mr. NITTLE. Was any payment at all made by the so-called Citizens Committee for Constitutional Liberties for the advertisements placed in the Worker dated July 16 and 23, 1961?

Mr. WEINSTOCK. How do you mean "so-called"? Is that the name of something? What does "so-called" mean?

Mr. NITTLE. Will you answer the question, please?

Mr. WEINSTOCK. I don't understand what you mean by "so-called."

The CHAIRMAN. Withdraw the question and ask it differently.

Mr. NITTLE. Was any payment made by, or on behalf of, the Citizens Committee for Constitutional Liberties to the Worker for the advertisements in the issues of July 16 and 23, 1961?

Mr. WEINSTOCK. The answer is the same as previously stated. I refuse to answer the questions on the grounds given before.

The CHAIRMAN. Will you keep your voice up?

Mr. WEINSTOCK. I refuse to answer on the stated grounds.

The CHAIRMAN. All right.

Mr. NITTLE. The Worker is a publication of the Communist Party of the United States of America, is it not?

(The witness conferred with his counsel.)

Mr. WEINSTOCK. I refuse to answer this question on the grounds as stated before.

Mr. NITTLE. Was the National Assembly for Democratic Rights, to your knowledge, a Communist created, dominated, and controlled organization?

(The witness conferred with his counsel.)

Mr. WEINSTOCK. Now, it is a public record that such an assembly was held. I imagine that every person here, if he was intelligent enough, read the papers, and the names that were mentioned yesterday here I think are highly respected citizens of our country.

So I really don't know what you mean by the question.

The CHAIRMAN. Unfortunately, many respected people find themselves in very bad company.

Mr. WEINSTOCK. Mr. Chairman, I remember a time when there was a chairman sitting there and he happened to land in jail for embezzlement and he was chairman of a very respectable congressional committee. His name was Thomas.

So people get into bad company, even Congressmen.

Mr. NITTLE. Is the Citizens Committee for Constitutional Liberties a creation of the Communist Party?

Mr. WEINSTOCK. I refuse to answer the question on the grounds stated before.

Mr. NITTLE. Mr. Weinstock, are you a member of the National Committee of the Communist Party of the United States?

Mr. WEINSTOCK. Don't you think this is a violation of the first amendment of our Constitution which gives the right of any person to belong to any organization? And in view of that fact, I shall invoke the first and fifth amendments and refuse to answer the question.

The CHAIRMAN. Why do you invoke the fifth amendment?

You talk about your right guaranteed you by the first amendment to belong to any organization. But then why do you invoke the fifth amendment?

Mr. WEINSTOCK. For the very simple reason, Mr. Chairman, there were about 300 young people in the South landed in jail for violating nothing—wanted to have a black cup of coffee.

The CHAIRMAN. I am asking you why you invoked the fifth amendment.

Mr. WEINSTOCK. There are so many tricks used these days that I have to invoke the fifth amendment.

Mr. SCHERER. Are you invoking the fifth amendment because tricks are used?

Mr. WEINSTOCK. I am invoking the fifth amendment because the Constitution gives me that right.

Mr. SCHERER. Do you honestly believe that to answer the question might lead to a criminal prosecution? Is that the reason you are invoking it, or are you invoking it because you feel tricks are used? Which is the reason for your invoking the fifth amendment?

Mr. FORER. Do you understand the question?

Mr. WEINSTOCK. Yes, I understand the question.

(The witness conferred with his counsel.)

Mr. WEINSTOCK. I stated, and I am going to repeat again, the fifth amendment of the Constitution gives me this right and, therefore, there are possibilities and for that reason I am invoking my constitutional right.

Mr. NITTLE. Our records indicate, Mr. Weinstock, that you are a member of the National Committee, that you were in attendance at the 17th National Convention of the Communist Party as a delegate from the New York District. Is that correct?

(The witness conferred with his counsel.)

Mr. WEINSTOCK. I refuse to answer this question on the grounds stated before.

Mr. NITTLE. The staff has no further questions, Mr. Chairman.

The CHAIRMAN. Are there any questions?

Mr. BRUCE. Yes, Mr. Chairman.

The CHAIRMAN. Mr. Bruce.

Mr. BRUCE. You indicated with a flat answer that you were not the general manager of the Worker as of September 24, 1961. Am I correct?

Were you the general manager as of September 23, 1961?

Mr. WEINSTOCK. I was not.

Mr. BRUCE. The 22d?

(The witness conferred with his counsel.)

Mr. WEINSTOCK. No.

Mr. BRUCE. September 21?

(The witness conferred with his counsel.)

Mr. WEINSTOCK. In view of the line of questioning, Mr. Congressman, I refuse to answer the question on the grounds stated before.

Mr. BRUCE. Let me see if we can piece this together.

You answered "No" as to whether you were the general manager September 22, 23, 24, and you invoked the first amendment as to the 21st?

Mr. WEINSTOCK. That is correct.

Mr. FORER. In view of the line of questioning.

The CHAIRMAN. When did you cease to be general manager?

Mr. WEINSTOCK. In my first answer I said, I never said I was, and I refuse to answer the question on the grounds of the fifth amendment.

The CHAIRMAN. That is not an answer to my question.

Is the answer, that you refuse to answer the question?

Mr. WEINSTOCK. That's correct.

The CHAIRMAN. All right, so long as we understand each other.

The witness is excused.

Mr. NITTLE. John T. McManus.

The CHAIRMAN. Will the witness rise? Hold up your hand, please.

Do you affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MCMANUS. I affirm.

TESTIMONY OF JOHN T. McMANUS, ACCOMPANIED BY COUNSEL, DAVID I. SHAPIRO

Mr. NITTLE. Will you state your full name for the record, please?

Mr. MCMANUS. John T. McManus.

Mr. NITTLE. I note that you are represented by counsel.

Will counsel please identify himself for the record?

Mr. SHAPIRO. David I. Shapiro, 1411 K Street Northwest, Washington 5, D.C.

I would like the record to note that I have been asked by the American Civil Liberties Union to represent Mr. McManus at this hearing.

Mr. NITTLE. Will you state your address, please?

Mr. MCMANUS. Montrose, N.Y.

Mr. NITTLE. Are you the business manager of the Weekly Guardian Associates, Inc., publishers of the National Guardian?

Mr. MCMANUS. I am the general manager, which includes this function.

Mr. NITTLE. You were subpenaed to appear here today; were you not?

Mr. MCMANUS. Yes.

Mr. NITTLE. You were also subpenaed to produce certain records?

Mr. MCMANUS. Yes.

Mr. NITTLE. Do you have those records requested and demanded by the subpena?

Mr. MCMANUS. I have the records here. I should like to say something with respect to them before discussing them.

The CHAIRMAN. You have not been asked any questions yet.

Mr. MCMANUS. An error was made yesterday, Mr. Chairman, perhaps in your absence. It was multiplied and I feel I should seek an amendment of it before proceeding.

The CHAIRMAN. Very well.

Mr. MCMANUS. On two occasions counsel referred to the National Guardian's publication. On one occasion he referred to it in this fashion: Let us see what the Communist press has to say about this meeting, and then visibly referred to the Guardian from where we were sitting in the press section.

Later he referred directly to the Guardian as a Communist publication.

This publication has been characterized by this committee and its predecessors in various ways but not in this way prior to what I heard at this hearing, and I should like to submit that this is an incorrect characterization and I wanted to submit that before making any testimony with respect to the Guardian.[1]

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[1] *National Guardian.*

The citation of the *National Guardian* appears in the "Guide to Subversive Organizations and Publications," a publication of this committee, as follows:

"NATIONAL GUARDIAN—Established by the American Labor Party in 1947 as a 'progressive' weekly. * * * Although it denies having any affiliation with the Communist Party, it has manifested itself from the beginning as a virtual official propaganda arm of Soviet Russia." (*Committee on Un-American Activities, Report, "Trial by Treason: The National Committee to Secure Justice for the Rosenbergs and Morton Sobell," August 25, 1956, p. 12.*)

This citation appeared in connection with the involvement of the *National Guardian* in the Communist propaganda campaign on behalf of the Rosenberg spies. There further appears in said document, at p. 12f, the following:

"In the pages of the *National Guardian,* everything emanating from the Kremlin is humane, civilized, and progressive, while the United States reeks with racial discrimination, exploitation of labor, corruption, war hysteria, and whatever else good citizens should detest. *Guardian* subscribers are assured that the United States is headed swiftly for facism, and that Soviet Russia, which desires nothing but peace, would never employ military force to injure the United States or any other nation. Typical of the *National Guardian* was its straight-faced publication of Soviet charges that the United States Government was guilty of germ warfare in Korea. Its editor, Cedric Belfrage, a British citizen, has been deported from the United States, for which he so long and vociferously expressed his loathing. Appearing before the Committee on Un-American Activities on May 5, 1953, Belfrage refused to answer questions concerning his Communist Party membership and the newspaper."

At p. 39 of that document, appears the following:

"One of the neatest illustrations of the tieup among the various Communist enterprises emerged from the testimony of Allan E. Sloane before this Committee on January 13, 1954. Sloane, a script writer and a former member of a Communist professional cell, related that he had received Rosenberg propagunda from the Connecticut Peace Center, an affiliate of the national, Communist-directed American Peace Crusade. The literature was addressed with the same addressograph plate as had been used by the *National Guardian* when Sloane subscribed to it."

Cedric Belfrage, now described as editor-in-exile of the *National Guardian,* was called to testify before this committee on May 5, 1953. In connection with the "Investigation of Communist Activities in the New York City Area." When advised that the committee was in possession of sworn testimony to the effect that he had been a member of the Communist Party while in the United States of America, Mr. Belfrage declined to answer any question relating thereto on the ground of the fifth amendment. He also declined to answer any questions relating to the identification of him as the Cedric Belfrage mentioned by Elizabeth Bentley as engaged in espionage activities, and who, while working for the British Intelligence Service, relayed information to the Russians.

John T. McManus, subpenaed to testify before the Senate Internal Security Subcommittee on January 4, 1956, in hearings on "Strategy and Tactics of World Communism," whose testimony appears in part 17, at pp. 1655–1665, invoked the fifth amendment as a basis for refusing to answer questions with respect to his Communist Party membership. Likewise, in the same hearing, James Aronson, editor of the *National Guardian,* invoked the fifth amendment as a basis for refusal to testify as to whether or not he ever

While I am talking about errors, there was another error yesterday in which counsel said that Pete Seeger, the folk singer, had been incarcerated. And this is not the case.

The CHAIRMAN. He was convicted and not incarcerated; is that not it?

Mr. MCMANUS. Sir?

The CHAIRMAN. He was convicted, and the conviction has not been——

Mr. MCMANUS. The counsel said incarcerated, and that is incorrect.

The CHAIRMAN. He should have said convicted.

Mr. MCMANUS. I don't think he should have mentioned him at all, but he should have mentioned him correctly if he did.

The CHAIRMAN. All right.

Mr. NITTLE. Do you have the records requested in the subpena?

Mr. MCMANUS. I do.

Mr. NITTLE. Will you produce those records, please?

Mr. MCMANUS. Before producing them, I would like to state that I have listened carefully yesterday to the chairman's reading of the statement of purposes of these hearings and I had the opportunity, as a member of the press, of obtaining a copy and reading it more carefully.

I do not perceive in this statement of purposes of these hearings any relevance to advertising which may have appeared, or may have been paid for, in any newspaper, whether it be my newspaper or that of the New York Times.

This is an argument that I would think the Times might have fought out rather than leaving it to other newspapers which have been subpenaed to this hearing.

I consider the questions and any other questions which might be directed to me concerning the operation of my newspaper a complete invasion of my rights under the first amendment as a citizen, and a complete invasion of the rights of the free press under the first amendment.

Having said that, on advice of counsel, I have and will produce what records there are of this advertising.

As long as the record makes clear that we deem it no offense to have accepted, or to have been paid for, advertising for any purpose which appears in our publication and we consider it not the province of this committee to inquire into it.

Mr. NITTLE. Let me say in reply, Mr. McManus, that certainly the press has no liberties or privileges or rights beyond that possessed by the average citizen.

Mr. MCMANUS. I think if you will read the first amendment carefully you will find it covers us all.

Mr. NITTLE. If this material which is subpenaed from you is relevant and material to this proceeding——

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accepted directives from the Publications Commission of the Communist Party, and as to his membership in the Communist Party. His testimony appears at pp. 1665–1675.

Other references relating to the *National Guardian*, Cedric Belfrage, James Aronson, and John T. McManus, appear in the publications of this committee.

"Both national and international front organizations were represented, including (nationally) * * * National Guardian * * *." (*Internal Security Subcommittee of the Senate Judiciary Committee, Annual Report for 1956, Senate Rept. 131, Mar. 4, 1957, p. 47.*)

Mr. McManus. I challenge this relevance.

Mr. Nittle. Do you wish for a statement of pertinency?

Mr. McManus. I assume that what you told the public in this statement of yesterday, of which I have a mimeographed copy, is a statement of relevancy.

The Chairman. Ask the question, Mr. Nittle.

Mr. McManus. If you wish to give me this statement of pertinency——

Mr. Nittle. You have stated you have a copy of the chairman's statement, which clearly establishes the relevancy and pertinency of the information.

Now, would you produce the letters, correspondence, and memoranda and contracts relating to the advertisements which appeared in the National Guardian on behalf of the National Assembly for Democratic Rights in the issues dated August 28, 1961, and September 4 and 11, 1961?

The Chairman. Mr. Nittle, is that the information that was sought from the New York Times and very willingly furnished to us?

Mr. Nittle. Yes, sir; that is correct, sir.

Mr. McManus. If I understand the story in the Washington Post, and I do not challenge and I do not think you do to its accuracy, the Times objected to the committee fishing in its files——

The Chairman. I asked Mr. Nittle a question, and it has been answered.

(Documents marked "McManus Exhibit Nos. 1 (a), (b), and (c)," respectively. Exhibits Nos. 1(a) and 1(c) retained in committee files. Exhibit No. 1(b) appears on opposite page.)

Mr. Nittle. Do you have those letters, correspondence——

Mr. McManus. Will you repeat the question with respect to which ads?

Mr. Nittle. Pertaining to the National Assembly for Democratic Rights in the issues dated August 28, 1961, and September 4 and 11, 1961, of your newspaper.

Mr. McManus. I assume the records I have are with respect to those ads.

The records I have are three 3 by 5 cards which are our filing system for advertisers.

The cards indicate who placed the ads and whether and when they have been paid for.

These cards indicate with respect to the National Assembly for Democratic Rights that the ads appeared in the issues of 8/21 and subsequently, for a total of $344, which was paid on September 27.

Mr. Nittle. Just a moment. You indicated a sum being paid for what particular advertisements?

Mr. McManus. For all the advertisements.

Mr. Nittle. Of the National Assembly on those 3 days?

Mr. McManus. Yes.

Mr. Nittle. Who made that payment to you?

Mr. McManus. Of my own knowledge, I do not know. The payment, I believe, came in by check and was cashed in the regular fashion. I assume from the card that it was paid by the National Assembly for Democratic Rights.

Mr. Nittle. By whom was the check issued?

Back to McCarthyism?

ON JUNE 5, 1961, by narrow majorities of 5 to 4, the Supreme Court upheld the McCarran Act requiring the Communist Party to register as a foreign agent and to turn in membership lists, and the membership provision of the Smith Act, which makes it a crime to be a "knowing" Communist Party member.

Is America safer as a result? Are our democratic institutions more secure? Is freedom more firmly entrenched? Has our reputation for liberty been enhanced in the eyes of the people of the world?

Or have we taken two long steps backward toward the dark days of the McCarthy era?

President Harry S. Truman vetoed the proposed McCarran Law on the grounds that it was unconstitutional and unenforceable.

Four justices of the Supreme Court—Chief Justice Warren and Justices Black, Douglas and Brennan—vigorously dissented from the Court's majority in these cases.

Justice Warren wrote: "I do not think that the Court's action can be justified . . . I believe that the (McCarran) Act does constitute a violation of the Fifth Amendment.'

Justice Black stated: "When the practice of outlawing parties and various public group begins, no one can say where it will end." And all four justices raised important constitutional objections that have not been acted upon.

Throughout the country, many newspapers which are opposed to Communism have expressed grave misgivings over the Court's decisions (see below).

Leading organizations (below) have long expressed firm opposition to the sweeping provisions of the McCarran Act.

Representative world journals consider the result will be to "encourage the spirit of McCarthy which has never been quite extinguished" (The Observer, London, England)

WE, the undersigned, take our stand with the Court's minority, and with those who oppose both the McCarran and Smith Acts.

It is not just the Communists who will suffer from these repressive measures, but our country, our people, our democratic institutions and our nation's prestige. If the McCarran Act remains law, it becomes possible, under its dangerous theory of 'parallelism," to outlaw many organizations as "Communist fronts" for advocating liberal, democratic, civil liberties and peace programs.

Under such a law, what assurance can there be for the immunity of the NAACP and the Freedom Riders, already branded by the segregationists as "Reds" and "Red dupes" for insisting on civil rights? Or even for an ex-President Eisenhower who has been dubbed a "Communist" by the John Birch Society?

It is for these reasons that we support the convening of a National Assembly for Democratic Rights, to be held in New York City on Saturday and Sunday, September 23 and 24, at St. Nicholas Arena, 69 W. 66 St.

The Assembly is a single-action undertaking, confined to bringing together supporters of constitutional freedoms. Its object is to rally public opinion and give organized voice to the defense of Constitutional freedom.

In supporting the Assembly, we do not commit ourselves to the views of any organization or individual who is or may become a victim of the law. We join ourselves with them only in defending the freedom guaranteed by the Constitution.

SPONSORS TO DATE:

Allen Jr. Charles R., New York, N.Y.
Anderson, Mrs. Sarina, Maple Mass.
Arnstein, Victor, Colma, Calif.
Atkins, Michael & Forest Hills, N.Y.
Atkins, Leona M., Forest Hills, N.Y.
Baird, Rev. William T., Chicago, Ill.
Ball, Rev. Lee H., Ardsley, N.Y.
Beiler, Prof. Irwin R., Meadville, Pa.
Benson, Elmer Appleton, Minn.
Billings, Warren K., San Francisco, Cal.
Binford, Jessie F., Chicago, Ill.
Binzen, Rabbi Maurice, New York, N.Y.
Bodine, Prof. Derk, Philadelphia, Pa.
Branch, Prof. G. Murray, Atlanta, Ga.
Brewer, James L., Rochester, N.Y.
Brumley, Rev. Clinton R., Stoughton, Mass.
Bryant, Valeda J. Palo Alto, Calif.
Bugbee, Prof. Edwin Berry, New York
Carnap, Prof. Rudolf, Los Angeles, Cal.
Carter, Mrs. Wendy, Menlo Park, Calif.
Carver, Dodge M., Menlo Park, Calif.
Chamberlin, Rev. Mark A., Gresham, Ore.
Champlin, Emil A., Portland, Ore.
Cheney, Paul, Sonoma, Calif.
Crane, Dr. Henry Hill, Detroit, Mich.
Dawson, Dr. Percy, Los Altos, Calif.
Dean, Rev. Paul, Mich.
Dimock, Lois, New York, N.Y.
Dodge, Dr. & Mrs. Douglas, N.H.
Eldridge, Dr. Lewis A. Jr., Nutzenbergville, N.Y.
Federman, Simon, New York, N.Y.
Fishman, Miss, New York, N.Y.
France, Dr. Royal W., New York, N.Y.
Fraser, Elizabeth P., Philadelphia, Pa.
Fritchman, Rev. Stephen, Glendale, Cal.
Frost, Dr. Joseph B., New York, N.Y.
Goodfield, Dr. Carlton B., San Francisco
Graham, Shirley, Brooklyn, N.Y.
Grundfest, Dr. Ralph S., New York, N.Y.
Hackney, Harry, New York, N.Y.
Haenter, Carl, Detroit, Mich.
Hallman, Vincent, Reno, Calif.
Hamilton, Dr. Alice, Hadlyme, Conn.
Harrison, William, Boston, Mass.
Hart, Pearl M., Chicago, Ill.
Hazen, Dorothy, Palo Alto, Calif.
Herrick, Marion E., Los Angeles, Calif.
Hill, Rev. Charles A., Detroit, Mich.
Horsch, Victor A., Champaign, Ill.
Howard, Daniel, Windsor, Conn.
Hughes, Rev. Kenneth, Cambridge, Mass.
Johnson, John L., Crosby, Minn.
Johnson, Dr. Oakley C., New York, N.Y.
Kansen, Samuel, Brooklyn, N.Y.
Kent, Rockwell, New York, N.Y.
Kranis, Rabbi Abraham, Greensburg, Pa.
Lamel, Irmgard Santa Monica, Calif.
Landis, Dr. Sol, St. Louis, Mo.
Love, Rainey Kaigar A., Baltimore, Md.
MacMartin, Helen R., Burlington, Vt.
Martins, Fred Harvey M., Hartford, Conn.
McManus, John T., Montrose, N.Y.
McNeill, Prof. John T., East Middlebury, Vt.
McTernan, Francis J., San Francisco
McTernan, John, Los Angeles, Calif.
Marshall, Perry Howard, Conn.
Marsh, Lafayette McW., La Grange, Ill.
Mayer, Dr. Leo, New York, N.Y.
Melish, Rev. William Howard, Brooklyn, N.Y.
Merrick, Stanley, Los Angeles, Calif.
Monroe, James O., Collinsville, Ill.
Mumford, Rev. Rexford, New York, N.Y.
Nelson, Capt. Hugh, Jamaica, N.Y.
Nelson, Rev. George D. Jr., Washington, D.C.
Nichols, Wesley H. Gatesville, Miss.
Nowell, Rev. J. Pierre, Montpelier, Vt.
Oliver, Bernice, New York, N.Y.
Parker, Rev. Everard L., Chapel Hill, N.C.
Parker, Harriet C., Chapel Hill, N.C.
Pauling, Dr. Linus, Pasadena, Calif.
Peck, Rev. Richard L., Portsmouth, Ohio
Peterson, Dr. Dryden Linsley, Hartford, Conn.
Popp, Prof. Arthur Upham, Carversville, Bucks County
Powe, Rabbi E. Brooklyn, N.Y.
Reynolds, Burton C., Hendale, Mass.
Roosevelt, Prof. Theodore, St. Louis, Mo.
Rosenblum, Dr. Israel, Brooklyn, N.Y.
Schachter, Simon, New York, N.Y.
Schmidt, Emily, Chicago, Ill.
Scott, Louis B., Albany, Calif.
Shaikh, Prof. Isaac Fatihmal, Windsor, Conn.
Shotford, Rev. William S. Tashkenock, Pa.
Taylor, Mrs. Pauline, Youngstown, Ohio
Turner, Jeanette A., Long Island City, N.Y.
Upham, Dr. Willard, Conway, N.H.
Urey, Prof. Harold C., La Jolla, Calif.
Van Kleeck, Dr. Mary, Woodstock, N.Y.
Wessel, Mrs. Clara W., Lincoln, Mich.
Wesser, Rev. William Campbell, Boulder, Colo.
Westerman, Prof. Leroy, Ann Arbor, Mich.
White, Rev. Eliot, Arlington, Mass
Whitney, Prof. Bertram F., Ithaca, N.Y.
Wingate, Rev. M., Groton, Mass.
Wood, Rev. Leland Porter, Rochester, N.Y.

Organizations on Record Against the McCarran Act

The AFL-CIO ■ Brother of Railroad Trainmen ■ National Farmers Union ■ Society of Friends ■ American Unitarian Association ■ National Fraternal Council of Negro Churches ■ American Civil Liberties Union (ACLU) ■ Americans for Democratic Action ■ American Association of University Professors ■ National Association for the Advancement of Colored People (NAACP) ■ Council for Social Action of Congregational Christian Churches ■ United Council of Church Women ■ American Jewish Congress ■ Women's International League for Peace and Freedom ■ National Council of Jewish Women ■ American Veterans Committee ■ National Community Relations Advisory Council ■ National Lawyers Guild ■ Association of the Bar of the City of New York ■ Episcopal League for Social Action ■ Emergency Civil Liberties Committee.

Typical Editorial Comment on The Supreme Court Decisions

St. Louis Post Dispatch—June 14, 1961
". . . in the name of governmental security, serious breaches are being made in the guarantees which once made our laws the admiration of the free world."

Atlanta Constitution—June 6, 1961
". . . this ruling has the effect of outlawing beliefs. We have never done that in America."

El Cajon Valley (Calif.) News—
"Under this majority opinion, the temptation to pin a Communist label on those who disagree with you about public power or socialized medicine will be too dangerous to indulge."

The Tennessean, Nashville—June 7, 1961
"As long as there are those at large who do not hesitate to call former President Eisenhower a conscious agent of Communism and also a traitor, the nation needs to be on guard against reckless charges . . ."

Minneapolis Sunday Tribune—July 9, 1961
"Can we no longer tolerate free speech? . . . Are we ready to start down the road of believing that only, the Democratic and Republican Party are 'safe' to belong to, and that someone perhaps even one of them . . .?"

Fill Out and Mail Today

National Assembly for Democratic Rights
118 E. 28th Street, Rm. 703
New York 16, N.Y.

☐ I want to attend the National Assembly in New York on Saturday and Sunday, Sept. 23 and 24. Enclosed is $2 for my registration fee.

☐ I am interested in the purposes of the National Assembly. Please send me a copy of the Call.

☐ I support the purposes of the National Assembly for Democratic Rights. Enclosed find $ to help finance the cost of the Assembly and the costs of this advertisement.

NAME

ADDRESS

CITY .. ZONE .. STATE

(Send cash, check or money order. Make check or money order payable to Simon Schachter, secretary, NADRI.)

GIANT FREEDOM RALLY!

St. Nicholas Arena — **Sat., Sept. 23, 8 P.M.**

69 West 66th St., N.Y. — **Admission 99c at the door**

McMANUS EXHIBIT NO. 2

NATIONAL ASSEMBLY FOR DEMOCRATIC RIGHTS

119 EAST 28 STREET — NEW YORK 16, N. Y.

Phone: LE 2-6288

SIMON SCHACHTER
Secretary

August 18, 1961.

Advertising Department
National Guardian
197 East Fourth Street
New York City, New York.

Dear Friends:

Please place the following standing ad in your paper for the next four weeks starting the week of Thursday, August 24. We would like the ad to be not too large, but a good size. For the first week:

Aug 24

Nobel Prize Winners Linus Pauling and Prof. Harold C. Urey, Hon. Elmer A. Benson, Ex. Gov. of Minn., Bertram K. Willcox, Dr. Mary Van Kleeck, Dr. Percy M. Dawson, Robert Gwathmey, Prof. Harvey K. McArthur, Hon. Stanley Moffat, Rev. J. Pierce Newell, Prof. Arthur Upham Pope, Rev. Mark A. Chamberlain, Prof. Louise Pettibone Smith, Rev. Stephen H. Fritchman, Prof. Irwin H. Geiler, Warren K. Billings are among the growing list of notable Americans sponsoring the National Assembly for Democratic Rights, Sat. & Sun. Sept. 23-24, at St. Nicholas Arena, 69 West 66 St. These prominent Americann will be honored at a giant Freedom Rally Saturday at 8 P.M., Sept. 23, at St. Nicholas Arena, Admission 99¢.

The next week, August 31, the same format, with these names:

Sept 4

Dr. W.E.B. DuBois, Carl Haessler, John T. McManus, State Sen. James O. Monroe, Walter M. Nelson, Esq., Rev. Leland Foster Wood, Rev. William Campbell Wasser, Prof. Theodore Rosebury, Dr. Willard Uphaus, Rockwell Kent, Prof. Dirk Bodde, Dr. Henry Hitt Crane are among the, etc.

~~For the week of Sept. 7:~~

Sept 11

Dr. Lewis A. Eldridge, Jr., Dr. Alice Hamilton, Prof. John T. McNeill, Rev. Richard Morford, Prof. Leroy Waterman, Rev. Edward L. Post, Simon Schachter, Esq., Dr. Leo Mayer, Rev. William B. Spofford, Vincent Hallinan, Esq., Bishop Edgar A. Love, Prof. G. Murray Branch, Rev. Clinton E. Bromley, are among the growing list of, etc.

NATIONAL ASSEMBLY CONVENES

Sat. & Sun., Sept. 23-24 at St. Nicholas Arena, 69 W. 66 St., New York City

"It behoves every man who values liberty of conscience for himself to resist the invasion in others." — Thomas Jefferson

NOT YURMBZZA JANOITAMI

76072 O - 61 - pt. 2 (Face page, Table

NATIONAL ASSEMBLY FOR DEMOCRATIC RIGHTS

119 EAST 28 STREET — NEW YORK 16, N. Y.

Phone: LE 2-6288

SIMON SCHACHTER
Secretary

75

For the week of Sept. 14:

Shirley Graham, William Harrison, John T. McTernan, Esq., George B. Murphy Jr., Dr. Dryden Linsley Phelps, Thomas L. Slater, Rev. Eliot White, Jesse F. Binford, Rev. William Howard Melish, Dr. Joseph B. Furst, Rev. Charles A. Hill, James L. Brewer, Esq., Prof. Edwin Berry Burgum are among the growing list of notable Americans, etc.

Thank you very much for your cooperation.

Sincerely yours,

Simon Schachter
Secretary

NATIONAL ASSEMBLY CONVENES
Sat. & Sun., Sept. 23-24 at St. Nicholas Arena, 69 W. 66 St., New York City

"... [illegible] ... the exercise of these rights ... [illegible] ... [illegible] ... [illegible]

FOR A JAPANESE
DEMOCRATIC RIGHT

Mr. McManus. I do not know that. We do not photograph checks in our office. We just send them through the bank.

Mr. Nittle. Do you have any present knowledge of who actually made the payment or issued that check for those particular advertisements?

Mr. McManus. No. As I said, I must assume it was a committee check.

Mr. Nittle. Did the payment pass through your hands?

Mr. McManus. No.

Mr. Nittle. Do you have any correspondence relating to these particular advertisements you have just spoken of?

Mr. McManus. We have no contracts and we—as far as correspondence goes, I do not have any. We do not save correspondence as a rule with respect to ads. An ad is submitted. Its copy is set into type. The type is checked against the original copy, and when the ad appears, that transaction is over.

The bill is sent to the person involved and a card drawn for the advertising and subsequently is listed on the card and payment noted.

Mr. Nittle. Do you have any letter or memoranda making request upon you to publish these particular ads?

Mr. McManus. I have one letter from the National Assembly for Democratic Rights, which in itself contains the ad copy for several issues of the paper. It was reserved because the last ad ran in the issue of September 25.

Mr. Nittle. May we inspect the particular letter?

Mr. McManus. Of course.

Mr. Nittle. Do you have a photosatic copy of this letter that we may use for the record and return the original to you?

Mr. McManus. Yes, sir.

Mr. Nittle. Mr. Chairman, we ask that this photostatic copy of the original letter be admitted into the record.

The Chairman. It may be made part of the record.

(Document marked "McManus Exhibit No. 2" appears on opposite page.)

Mr. Nittle. Do you have any correspondence relating to the advertisement of the Citizens Committee for Constitutional Liberties in the issue of July 17, 1961?

Mr. McManus. None.

Mr. Nittle. You did, however, print an advertisement on behalf of the Citizens Committee for Constitutional Liberties on that date?

Mr. McManus. Yes, we did.

Mr. Nittle. Do you have a letter in relation to this?

Mr. McManus. No correspondence. The only thing I have, as I said before, is the 3 by 5 card which identifies the advertiser and indicates that the ad has been paid for.

Mr. Nittle. Who, on behalf of the Citizens Committee for Constitutional Liberties, made request of you for publication of that particular advertisement?

(At this point, Mr. Tuck left the hearing room.)

Mr. McManus. The request was not made of me, naturally. It was made of our advertising department, probably letter containing the ad copy. I don't know of my own knowledge, so I would rather not try to answer that.

As I say, all I have that survives the transaction is the fact that the ads were placed and they were billed for them and they paid for the ads.

Mr. NITTLE. What was the price paid for this particular advertisement?

Mr. MCMANUS. They paid at the rate of $4 an inch.

Mr. NITTLE. Was that in fact the amount paid?

Mr. MCMANUS. That was in fact the amount paid—well, how do you mean your question?

Mr. NITTLE. Total amount.

Mr. MCMANUS. You asked about a single ad on the date of——

Mr. NITTLE. I am not speaking generally. I am speaking of this particular advertisement by the Citizens Committee for Constitutional Liberties.

Mr. MCMANUS. Do you have a copy of the ad so that I may be familiar with the one you are talking about?

Mr. NITTLE. May I mark this "McManus Exhibit 3," please?

The CHAIRMAN. So ordered.

(Document marked "McManus Exhibit No. 3" appears on p. 233.)

Mr. SCHERER. Mr. McManus, are the cards you have in your hand part of the material subpenaed by the committee?

Mr. MCMANUS. Yes.

Mr. SCHERER. Could I see them?

Mr. MCMANUS. Yes.

Mr. NITTLE. Will you tell us what in fact was paid for this advertisement?

Mr. MCMANUS. The Congressman has the cards.

I believe the card indicates it was $88.

Mr. SCHERER. The National Assembly paid $344; the Committee for Constitutional Liberties paid, according to the cards, $130.

Mr. NITTLE. What did you say was paid for this advertisement?

Mr. MCMANUS. I said I thought $88, but I don't have the cards here.

Mr. NITTLE. Is that your regular rate to all subscribers?

Mr. MCMANUS. When I have the cards back, I will continue the discussion.

Mr. SCHERER. Have you seen the cards, Mr. Nittle?

Mr. NITTLE. No, I have not.

Mr. SCHERER. Let counsel see the cards. Let him get an idea of the transaction.

Mr. NITTLE. Looking at Exhibit 3 again, I think that is practically a half-page ad; what would that come to at your regular rates?

Mr. MCMANUS. There is no such thing as a regular rate. The rates vary in all newspapers for advertising, depending on the size of the ad, the frequency with which the advertiser advertises, and so on.

Mr. NITTLE. You spoke of a rate a while ago.

Mr. MCMANUS. I quoted the rate to you. These ads were billed at the rate of $4 an inch.

Mr. SCHERER. Were these paid for after you were subpenaed? I notice the notations show "Paid 9/61," without any other date on it. It does not show the date in September that these were paid. It shows the cost of the ad to be $88, as you say, then it shows a "paid" sometime in September of an amount in excess of the original charge, if I read the cards correctly.

McMANUS EXHIBIT No. 3

4 NATIONAL GUARDIAN July 17, 1961

ADVERTISEMENT

AN APPEAL

To Defend Constitutional Liberties

DEAR FRIENDS:

Like many other Americans, most likely you too were deeply disturbed by the June 5 decisions of the Supreme Court in the McCarran Act and Smith Act cases. By a razor-thin 5-4 margin, the Court upheld an order requiring the Communist Party to register under the McCarran Act, and thereby to denounce itself as an agent of a foreign power engaged in a treasonable conspiracy against our government—an accusation for which not one shred of real proof has ever been produced. By the same bare majority the Court affirmed the membership provision of the Smith Act making it a crime to be adjudged an "active" and "knowing" member of the Communist Party.

These decisions decree in effect, for the first time in American history, the outlawing of a legitimate political party on the basis of its beliefs—an action which must shock every American who cherishes our democratic traditions. The registration provision of the McCarran Act extends far beyond the Communist Party to embrace, under the designation "Communist-front organization," any group which so much as takes the same position as the Communist Party on any political or social issue. And, as Justice Black said in his stirring dissent: *"When the practice of outlawing parties and various public groups begins, no one can say where it will end."*

Truly, those decisions have far-reaching, ominous implications for the rights of *all* Americans. They threaten the rights of all to freedom of speech, press and assembly. They menace the rights of organized labor, freedom to fight for the rights of the Negro people, and not least, freedom to speak out for peace.

Small wonder, then, that a wide range of public opinion has already placed itself in opposition to the decisions, and that they have been criticized by such diverse publications as the **New York Times**, the **St. Louis Post-Dispatch**, the **Washington Post**, the **Boston Herald**, the **Nashville Tennessean**, **The Commonweal**, **The New Republic**, **The Nation** and the **National Guardian**. So extensive is this sentiment that Justice Frankfurter was impelled to grant a stay of execution of the registration order until October, when the Supreme Court will consider a petition for a rehearing.

We are firmly convinced that growing numbers of Americans will join in protesting this odious invasion of constitutional liberties, once they know the facts. And we are confident that the decisions will ultimately be reversed at the bar of public opinion, the highest court of all.

It is to bring the facts to the American people and to help wage the legal battles involved that the Citizens' Committee for Constitutional Liberties has come into being. Side by side with all other defenders of civil liberties, the Committee is dedicated to waging the fight against these and all similar repressive laws, basing itself on the proposition that defense of the rights of Communists is the first line of defense of the rights of every American

To carry on these activities will require a great deal of money. The Committee has therefore undertaken to raise a fund of $100,000 to be used for legal defense, for the preparation of literature, for advertisements (a full-page ad in the **New York Times** alone costs $5,000), for mailings, radio and TV time and like purposes.

We need your help. We ask you to give—and give generously—in defense of your rights, of everyone's rights. Send us your contributions now. Make your check payable to Dr. Oakley C. Johnson, Treasurer.

May we count on you?

Sincerely yours,

Miriam Friedlander, Executive Secretary
Dr. Oakley C. Johnson, Treasurer

Read: **A Fateful Moment in Our History,** Supreme Court Justice Hugo L. Black's powerful dissent in the McCarran Act decision.

Price, 15c per copy, 10c each in quantities of 10 or more.

Other literature and speeches also available. Write to:

Citizens Committee for Constitutional Liberties

22 East 17th St., Room 1525
New York 3, N.Y.

Citizens Committee for Constitutional Liberties:

Enclosed is my contribution of ..... to help defend constitutional liberties.

Enclosed is $ ..... for ..... which please send me ..... copies of **A Fateful Moment in Our History.**

Please put me on your mailing list.

NAME .....

ADDRESS .....

CITY ..... ZONE ..... STATE .....

Mr. McManus. As a rule, the person reporting the payment indicates the date on which payment was made. I thought it had been observed. I have not read them too carefully.

Mr. Scherer. The cards do not indicate that.

Mr. McManus. Do you want to give them back?

Mr. Scherer. Show him the cards.

(The cards were handed to the witness.)

Mr. McManus. Now, what is the question?

Mr. Scherer. The cost——

Mr. McManus. Who is asking? You or him?

Mr. Scherer. I asked the question.

Mr. McManus. What was your question?

Mr. Scherer. Let me have the cards.

Mr. McManus. We can't both have the cards. I can't answer from the cards while you are holding them.

Mr. Scherer. I asked if the ads were paid for after you were subpenaed.

Mr. McManus. Are you speaking of the Committee for Constitutional Liberties?

Mr. Scherer. Both of them.

Mr. McManus. Well, you had better speak of one at a time.

Mr. Scherer. All right. Let us break them down.

Mr. McManus. The total bill for the Committee for Constitutional Liberties was paid sometime in September by the notation on this card.

Mr. Scherer. That is what I mean.

Mr. McManus. For a total of three ads, for $130, and the addition is correct.

Mr. Scherer. It does not show on that card what day it was paid in September.

Mr. McManus. Presumably sometime after the final ad was taken, which was in the issue of 9/4/61.

Mr. Scherer. My question is, was it paid for after you were subpenaed?

Mr. McManus. Apparently $2 was paid in September. Whether it was paid before or after I was subpenaed, I do not know, and it seems to me mighty small potatoes.

Mr. Scherer. All right. I just wanted to point out that you do not have any date except "September 1961," as to when these ads were paid.

Mr. McManus. The card indicates, before this gets into the record as another incorrect statement by this committee, the card indicates that the gross bill of all but $2 was paid on the 31st of July 1961.

Mr. Scherer. Which card is that?

Mr. McManus. The card you were looking at, the Committee for Constitutional Liberties.

Mr. Scherer. You just said it does not show a date.

Mr. McManus. I said the September does not show a day; it says "9/61." Presumably sometime after the ad appeared in 9/4/61. The $2 may have been paid after I was subpenaed. I was not aware of it.

Mr. Scherer. I think I can read. It says paid on one of those cards $341, does it not?

Mr. McManus. I asked about the Committee for Constitutional Liberties. If you want to go back to the other one, you may.

Mr. SCHERER. Let us go back to the one I can remember. What is the other organization?

Mr. MCMANUS. If you are going to build a connection between my subpena and the payment for the ads, it is not possible. But have another look for yourself if you want to try.

Mr. SCHERER. All right. Let me have the cards to get it straight.

The Committee for Constitutional Liberties, it says, "paid 9/61," without any day. You have above that $130. All I asked was whether or not——

Mr. MCMANUS. Hold the card. Let us, you and me, hold the card together because I can't memorize it. It says "Paid 7/31/61" for the first two items and $2 paid sometime in September, presumably after September 4, which was Labor Day.

Mr. SCHERER. Below that you have $130.

Mr. MCMANUS. Are we clear on that now?

Mr. SCHERER. No.

Mr. NITTLE. Mr. McManus, you are the business manager of this newspaper, are you not?

Mr. MCMANUS. General manager.

Mr. NITTLE. How long have you served in this capacity on the National Guardian?

Mr. MCMANUS. For 13 years.

Mr. NITTLE. Certainly you know what the price of the advertisement in this newspaper is.

Mr. MCMANUS. It is indicated on the cards.

Mr. NITTLE. How much is an advertisement of that size in that newspaper?

Mr. MCMANUS. It was written by the ad clerk to be $88 or $4 an inch.

Mr. NITTLE. At that rate what would that come to for that particular ad? Is that the price for that size advertisement in your paper?

Mr. MCMANUS. As a rule, yes.

Mr. NITTLE. What is the exception to the rule?

Mr. MCMANUS. If you are trying to point out that the ad was not billed correctly, I will take it back.

Mr. NITTLE. That is not it. But you have a great appreciation for accuracy.

Mr. MCMANUS. I measured the ad, personally, myself.

Mr. NITTLE. Will you tell us from your experience of 13 years as a member of this particular newspaper what that particular ad would cost to strangers?

Mr. MCMANUS. At the most, a stranger—let me not answer that question. Why don't you put it in plain, good English so that there is no trap?

What do you mean by "stranger"? Any advertiser is presumably a stranger.

Mr. NITTLE. Let us put it "any advertiser." What would you charge for an advertisement of that size?

Mr. MCMANUS. The highest rate we charge is $6.30 an inch. The rates go down according to the size of ads and the frequency with which they may be inserted.

Some of these people were charged $4 an inch and others were charged $5 an inch.

Mr. NITTLE. You say some of these people were charged $5 an inch. To whom do you refer?

Mr. MCMANUS. You subpenaed——

Mr. NITTLE. Mr. McManus, would you answer the question, please?

Mr. MCMANUS. I am answering it. You subpenaed the record in regard to three sets of advertisers. One of those was charged one two-time ad, small ad, at $5 an inch and the others were charged at $4 an inch.

Mr. NITTLE. Which was charged at $4 an inch?

Mr. MCMANUS. The third one you subpenaed.

Mr. NITTLE. The Assembly Committee, Mrs. Kinney?

Mr. MCMANUS. Yes.

(Documents marked "McManus Exhibit No. 4" and retained in committee files.)

Mr. NITTLE. You have stated these are your charges, as a rule. I am not so sure you have gone by the rule here, but by the exception.

Have these advertisements been charged at the normal rate for advertisements in your newspaper?

Mr. MCMANUS. For advertisements of this size and regularity, yes. If the committee wants to measure it and find that the advertiser owes us some money, I will be glad to collect it.

Mr. NITTLE. I have no further questions of this witness, Mr. Chairman.

The CHAIRMAN. Did he produce the records sought?

Mr. NITTLE. Yes, sir.

The CHAIRMAN. Mr. Bruce has a question.

Mr. BRUCE. Did I understand you, Mr. McManus, to say that you do not issue contracts?

Mr. MCMANUS. With respect to these ads, most ads we don't issue contracts.

Mr. BRUCE. On most ads you do not issue contracts?

Mr. MCMANUS. No. People who advertise on a 26-week or 52-week basis, we may enter into a contract for such advertising. But for advertising for events, we don't enter, as a regular matter, into contracts.

Mr. BRUCE. This is your standard business operation that you do not issue contracts except for long-term advertising?

Mr. MCMANUS. Generally speaking, not.

Mr. BRUCE. That is an unusual operation.

Mr. MCMANUS. I know, but I am responsible only to my stockholders and since I am the stockholder I can earn it as I please.

Mr. BRUCE. That is quite right.

The CHAIRMAN. These cards are the only records of this financial transaction; is that correct?

Mr. MCMANUS. Yes. Well, they have been paid.

The CHAIRMAN. But you keep no ledger or no other records? This is the record of this transaction?

Mr. MCMANUS. Yes. I don't want to get into any more argument. I don't see where your question is leading.

The CHAIRMAN. I am just wondering.

Mr. BRUCE. Who is the editor of the National Guardian?

Mr. MCMANUS. James Aronson.[1]

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[1] *James Aronson*

James Aronson invoked the fifth amendment in refusing to answer questions relative to membership in the Communist Party in an appearance before the Senate Permanent Subcommittee on Investigations on May 14, 1953, and the Senate Internal Security Subcommittee on Jan. 4, 1956.

Mr. BRUCE. What position does Cedric Belfrage[1] hold with the National Guardian?

Mr. MCMANUS. Editor-in-exile.

Mr. BRUCE. What was his position before he was in exile?

Mr. MCMANUS. He was editor.

Mr. BRUCE. Has the National Guardian at any time published material that would tend to lend support to the Chinese Communist charge that we used germ warfare in Korea?

Mr. MCMANUS. Mr. Congressman, I was summoned here, I thought, as the business manager and general manager of the Guardian with respect to certain business transactions about which I have——

Mr. BRUCE. The witness opened this matter himself in his opening remarks.

Mr. MCMANUS. Under protest, under advice of counsel with respect to these details, any further questions the committee wants to get into with respect to the paper, its policies, or anything else, I shall have to assume a different attitude.

Mr. BRUCE. I would point out to the witness that in his opening remarks he objected to counsel's statement on the basis, as I understood it, that the National Guardian had no Communist connections at all.

Mr. MCMANUS. The best way for the committee to answer your question, and the committee has the answer, at least its idea of the answer, is to read whatever characterization this committee or former such committees may have made of this paper.

As I assured you, they have not made the outright characterization that this was a Communist newspaper, probably because they know it to be false.

Mr. BRUCE. I will make a statement and ask you if that is correct. The National Guardian has supported the Chinese Communist position that the United States Armed Forces used germ warfare in Korea. Is that correct?

Mr. MCMANUS. I would have to ask you to demonstrate the legislative purpose of your question or the purpose of the question with respect to anything that was contained in the chairman's statement yesterday.

Mr. BRUCE. I request the chairman to direct the witness to answer that question.

---

[1] *Cedric Belfrage*

In her book "Out of Bondage," Elizabeth Bentley wrote that a young Englishman named Cedric Belfrage, who worked for British Intelligence and had been a party sympathizer in Britain, got in touch with a U.S. Communist Party official, V. J. Jerome, when he came to this country. Jerome then arranged a contact between Belfrage and Jacob Golos, boss of the Soviet espionage ring for which she was a courier. Miss Bentley described the result of this contact in the following words:

> For some time Cedric had been turning over to us extremely valuable information from the files of the British Intelligence Service, most of which I saw before it was relayed on to the Russians.

Miss Bentley also wrote that Belfrage was "an extremely odd character and rather difficult to deal with," but "passionately devoted to the cause" of communism.

When Belfrage appeared before this committee on May 5, 1953, excerpts from Miss Bentley's book to the above effect and the above quotation were read to him. He was asked if he was the Cedric Belfrage referred to. He refused to answer the question. He invoked the fifth amendment in response to questions relating to Communist Party membership, both in this hearing and in an appearance before the Senate Permanent Subcommittee on Investigations on May 14, 1953.

In August 1955, Belfrage, the editor and founder of the National Guardian, was deported to England on the grounds that he had been a member of the Communist Party at the time of and since his latest entry into the United States (Oct. 28, 1945).

The CHAIRMAN. I think we have covered what we intended to cover with this witness' testimony.

I think the evidence supporting your position, Congressman, is abundantly clear——

Mr. BRUCE. My only purpose, Mr. Chairman, is his opening remarks.

The CHAIRMAN. I understand.

Mr. BRUCE. I withdraw the question.

The CHAIRMAN. Call your next witness.

Mr. TAVENNER. Mr. Joseph Brandt, will you come forward, please?

The CHAIRMAN. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRANDT. I do.

Mr. TAVENNER. Mr. Chairman, Mr. Brandt was a witness yesterday afternoon. We were unable to complete his testimony. We have interrupted his testimony by taking the testimony of the gentleman who just appeared.

TESTIMONY OF JOSEPH BRANDT, ACCOMPANIED BY COUNSEL, JOSEPH FORER—Resumed

Mr. TAVENNER. Mr. Brandt, did you pay any sum to the Worker for the placing of advertisements in behalf of the National Assembly for Democratic Rights?

Mr. BRANDT. Sir, I stated yesterday, and I want to repeat now, after watching yesterday's investigation—so-called investigation—after reading Mr. Donner's book on "The Un-Americans," after listening to the Susskind TV program last Sunday night, I wish to state that the purposes of these committees, and this committee in particular, claiming to ask me questions to help them legislate is not true. They asked me to come here to cooperate with them for the purpose of helping to legislate, but then they proceed to pose questions to me which would get me to cooperate with the committee for the purpose of smearing, intimidating, and stopping any group of people in this country from speaking their minds.

(At this point, Chairman Walter left the hearing room.)

Mr. BRANDT. I will, therefore, on the basis of my constitutional liberties, on the basis of the first amendment, the fifth amendment, and Bill of Rights, refuse to answer this and any other similar questions.

Mr. TAVENNER. Now, have you finished your speech?

Mr. BRANDT. I have.

Mr. TAVENNER. Now will you answer the question?

Mr. BRANDT. I refuse to answer this question.

(At this point, Chairman Walter entered the hearing room.)

Mr. TAVENNER. Do you want to state the reason for your refusal?

Mr. BRANDT. I already did.

Mr. TAVENNER. It is for the same reason?

Mr. BRANDT. The same basis.

Mr. TAVENNER. Mr. Brandt, we have just received testimony that there was paid to the National Guardian the sum of $344 for the placing of an ad in that paper by the National Assembly for Democratic Rights. Did you pay that money?

The Worker

Second class postage paid at New York, N. Y.

Vol. XXVI—No. 37 (16 Pages) — September 17, 1961 Price 15 Cents

Registrations Rise For Democratic Rights Assembly

REGISTRATIONS ARE POURING in, committees in many states are being formed; greetings, inquiries and requests for more calls are flooding the office of the National Assembly for Democratic Rights at 118 East 28 Street in New York City.

One hundred registrations from across the country for the two-day Assembly have thus far been received, and the office is receiving inquiries at the rate of 25 a day.

The National Assembly for Democratic Rights will be held on Saturday and Sunday, September 23 and 24, to protest the Supreme Court's McCarran and Smith Act decisions of June 5.

The Assembly has received 800 inquiries from an ad placed in the National Guardian recently. Responses to a similar ad appearing in the September 7 edition of the New York Times, have begun to come in.

Among those attending the Assembly will be:

Five delegates from West Virginia and Eastern Ohio; one busload from Cleveland and another from Detroit, with more being organized; and five representatives of the California Committee of the American Committee for the Protection of the Foreign Born.

Greetings to the assembly have been numerous. Sam Pollock, president of the Cleveland Meat Cutters Local 427, sent a letter stating:

"The continuing assault on the Constitution and Bill of Rights, and its erosion of civil liberties, must be resisted by every proper means at hand."

Bertha C. Reynolds of Stoughton, Mass., wrote:

"Resistance is imperative to the tyranny expressed in requiring any citizen first to declare himself a public enemy (so defined by legislative edict and upheld by a divided Supreme Court) and then, having so registered himself, to suffer penalties amounting to lifelong ostracism from an opportunity to earn a living or function as a normal citizen."

Gil Terry, an unemployed worker from Jackson, Mich.,

(Continued on page 11)

Welcome Rally To Hear Dr. Ward

DR. HARRY F. WARD, professor emeritus of Union Theological Seminary, and dean of American civil libertarians, will be one of the main speakers at the welcoming rally which will be held for the National Assembly for Democratic Rights, Saturday evening, Sept. 23.

Dr. Ward was for many years national chairman of the American Civil Liberties Union. He is the author of many books on religious and socal problems, and on civil liberties.

The rally will be held at the St. Nicholas Arena, 69 East 66 Street.

Assembly

(Continued from page 1)

sent $1.00 and said, "I am sorry at this crucial moment I can only offer this small token."

Mrs. Bertha Anderson of Minneapolis wrote:

"It is high time the Bill of Rights has defenders before it is too late to save them for us and for posterity."

Here is a listing of the committees which are supporting the National Assembly:

Citizens Committee for Constitutional Liberties, 22 East 17 St., Room 1525, New York 3, N. Y.

Minnesota Committee to Defend the Bill of Rights, 690 14th Avenue N.W., New Brighton, Minn.

Committee for Constitutional Liberties, 942 Market St., Room 401, San Francisco, Calif.

Utah Council for Constitutional Liberties, P.O. Box 1112, Salt Lake City 10, Utah.

Wisconsin Committee for Constitutional Freedom, P.O. Box 1433, Milwaukee, Wis.

Constitutional Liberties Information Center, P.O. Box 388, Hollywood, Calif.

Michigan Committee of the National Assembly for Democratic Rights, 1306 Holden Avenue, Detroit 2, Mich.

Chicago Committee of the National Assembly for Democratic Rights, Mrs. Nellie De Schaaf, Secretary, 189 West Madison, Chicago, Ill.

Chicago Committee to Defend the Bill of Rights, Rev. William T. Baird, executive director, 189 West Madison, Chicago, Ill.

Ohio Citizens for Constitutional Rights, 14712 Shaw Ave., East Cleveland.

Maryland Committee for Democratic Rights, 1526 Winford Rd., Baltimore.

Philadelphia Representative, 249 South Melville St., Philadelphia.

St. Louis Representative, 1434 Chambers Road, St. Louis.

The Chicago Committee to Defend the Bill of Rights is handling all arrangements for the Assembly in the Midwest area.

St. Nicholas arena, where the Assembly will be held, is located at 69 West 66 Street, New York City. Inquiries from the New York metropolitan area should be directed to the Assembly's office on 28 Street. Their phone number is: LE 2-6288.

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Did you request the National Guardian to cover any point relating to the proposed meeting of the Assembly on September 23 in the light of a favorable editorial?

Mr. BRANDT. The answer is the same, sir.

Mr. TAVENNER. I have here an excerpt from the September 18, 1961, edition of the National Guardian. From it I read as follows:

> The Assembly thus far has concurring groups in 20 states—a good start, but not good enough.

Did you request that statement to be made in the Guardian, the National Guardian?

Mr. BRANDT. I refuse to answer on the same grounds.

(Document marked "Brandt Exhibit No. 11" and retained in committee files.)

Mr. TAVENNER. Will you please identify to the committee the 20 concurring groups referred to by the National Guardian?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. The Worker of September 17, 1961, in a story relating to the National Assembly for Democratic Rights contains a listing of committees which are supporting the National Assembly. The first listing is the Citizens Committee for Constitutional Liberties.

Is this a committee which supported the Assembly?

Mr. BRANDT. I refuse to answer on the same grounds.

(Document marked "Brandt Exhibit No. 12" appears on opposite page.)

Mr. TAVENNER. As a matter of fact, Mr. Brandt, was not the Citizens Committee for Constitutional Liberties an organization established by the Communist Party?

(At this point, Mr. Tuck entered the hearing room.)

Mr. BRANDT. You are the one making that statement.

Mr. TAVENNER. Yes, sir, and I am asking you whether or not it is true.

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. The next committee listed as supporting the National Assembly for Democratic Rights is the Minnesota Committee to Defend the Bill of Rights, 690 14th Avenue N.W., New Brighton, Minn.

Is that the address of a person by the name of Harry Mayville?

Mr. BRANDT. Are you questioning the right of any group of Americans to organize themselves into any association or group they desire?

Mr. TAVENNER. Not at all, sir, and that has been made perfectly plain in the chairman's opening statement, but what we are attempting to determine is what the Communist Party is doing in concealing its participation in it, and that is why you are here.

We are earnestly endeavoring to ascertain from you information which should settle all questions about that, if you would answer truthfully.

Mr. BRANDT. I am not here to help you in such kinds of slander and lies.

Mr. SCHERER. You said "slander and lies"?

Mr. BRANDT. That is right.

Mr. SCHERER. You said such "slander and lies." Is it a lie that the Communist Party is behind the National Assembly for Democratic Rights?

Mr. BRANDT. This is the statement the gentleman made.

Mr. SCHERER. I am asking you.

Mr. BRANDT. He has not brought any evidence to prove to me that it is so.

Mr. SCHERER. I am asking you, is what he said a lie? You said it was a lie.

Mr. BRANDT. To my knowledge, he has not brought forth any facts to prove it.

Mr. SCHERER. I ask the chairman to direct the witness to answer the question.

The CHAIRMAN. Yes, I direct you to answer the question.

Mr. BRANDT. I refuse to answer on the basis of the fifth amendment.

The CHAIRMAN. Mr. Tavenner, as I understand it, this organization and its subsidiaries were set up for the purpose of attempting to influence a decision of the Supreme Court of the United States. Is that correct?

Mr. TAVENNER. Yes, sir.

The CHAIRMAN. Has the Supreme Court been made aware of the fact that this is perhaps contemptuous?

Mr. TAVENNER. I assume not.

The CHAIRMAN. All right.

Mr. TAVENNER. I have just read to you the address that appeared, of the Minnesota Committee to Defend the Bill of Rights, and I asked you if you knew whether that was the address of Harry Mayville.

Let me ask you: Do you know Harry Mayville to be a member of the Communist Party?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Are you familiar with the past record of that organization as having been formed as part of the campaign to abolish the Committee on Un-American Activities?

Mr. BRANDT. I refuse to answer on the same grounds.

(The witness conferred with his counsel.)

Mr. TAVENNER. The next committee listed is the Committee for Constitutional Liberties, 942 Market St., Room 401, San Francisco, Calif.

Can you tell the committee who heads that group?

Mr. BRANDT. You have been trying to get me to answer questions and give you information which I am in no position to give. You know, by now, I will not give you or help you or cooperate with you in that respect.

The CHAIRMAN. If you do not know, say so.

Mr. BRANDT. Why do you continue in that line?

Mr. TAVENNER. For this simple reason: You say you are not in a position to give it. The investigation of this committee indicates that you are in an excellent position to give us the information that we are asking of you. We have not asked you a single question that we have not believed that you were in a position to answer, but you have determined, of your own mind, that you are not going to answer.

Mr. BRANDT. I did not encourage you in any way that I would be willing to give you that information.

Mr. SCHERER. You are a member of the National Committee of the Communist Party, are you not?

Mr. BRANDT. You answered that; you stated that.

Mr. SCHERER. I am asking the question.

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. The next committee listed is the Utah Council for Constitutional Liberties, P.O. Box 1112, Salt Lake City 10, Utah.

You slipped up on that one, did you not?

Mr. BRANDT. I don't know what you are talking about.

Mr. TAVENNER. Let me explain.

The investigation of the committee shows that there was in existence a council under the name of Utah Council for Constitutional Liberties, just as indicated in your notice, but that committee did not continue at its address after 1960 because the head of the organization moved out of Utah and there has not been such a committee there since 1960. That is why I say you slipped up on that one.

Mr. BRANDT. What is your question?

Mr. TAVENNER. Well, do you have an explanation of how you slipped?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Another committee listed is the Constitutional Liberties Information Center, P.O. Box 388, Hollywood, Calif.

Do you know that the holder of that box is Reuben W. Borough?

Mr. BRANDT. At the rate you are going, there must be at least 50,000 committees organized by Americans throughout the country of one nature or another. Are you going to ask me about all these 50,000 committees?

Mr. TAVENNER. There are only 20 that are referred to in this organization.

Mr. BRANDT. At the rate you are going, it looks as though it is going to be an endless proposition.

Mr. TAVENNER. It will not extend over 20.

Mr. FORER. You can take them all at once if you want.

Mr. TAVENNER. Now, will you answer the question?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Another committee is the Michigan Committee of the National Assembly for Democratic Rights, 1306 Holden Avenue, Detroit 2, Mich. Do you know that Mark Solomon is the person that directed the affairs of the Michigan Committee out of this address?

Mr. BRANDT. The answer is the same.

Mr. TAVENNER. Did not Mark Solomon make a report at the closing session of the National Assembly for Democratic Rights?

Mr. BRANDT. Did he?

Mr. TAVENNER. I am asking you the question.

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Do you know him as a member of the Communist Party?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Another committee is the Chicago Committee of the National Assembly for Democratic Rights, Mrs. Nellie De Schaaf, Secretary, 189 West Madison, Chicago, Ill.

Our information is that she was editor of the English-language section of the Communist Party paper Vilnis. Do you know whether or not that information is correct?

Mr. BRANDT. It is about time I tell you, Counsel. You keep that up and I have to tell it to you. For 5 years I have been trying to hold a job as a machinist. For 5 years the Federal Bureau of Investigation has knocked me off one job after another.

Now, you don't think I am going to cooperate with you, the Federal Bureau of Investigation, or any other police force for the purpose of intimidating and helping you to drive people out of jobs and robbing them of a livelihood in the same way as it was done to me.

I refuse to answer any such questions regarding any committees or any individuals for the purpose which you desire.

The CHAIRMAN. Here is a great opportunity for you to clarify the atmosphere and perhaps remove the stigma which has caused you to lose your jobs.

Are you now a member of the Communist Party?

Mr. BRANDT. I refuse to answer that on the same grounds.

Mr. SCHERER. You said for the past 5 years you have been a machinist. Now, that has not been your only occupation in the past 5 years, has it?

Mr. BRANDT. I refuse to answer your question.

Mr. TAVENNER. Mr. Chairman, I ask you to direct the witness to answer.

He opened it up with a voluntary statement, telling us that he had been a machinist for 5 years, and we know he has not.

Mr. BRANDT. Since you know I am not, bring forward the facts.

The CHAIRMAN. Go ahead, Mr. Tavenner.

Mr. TAVENNER. Do you know Nellie De Schaaf to be a member of the Communist Party?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Another committee listed is the Chicago Committee to Defend the Bill of Rights, Rev. William T. Baird, executive director, 189 West Madison, Chicago, Ill. Is the Reverend William T. Baird in any way on the payroll of the National Assembly for Democratic Rights?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Do you know the secretary of this committee to be Richard Criley?

Mr. BRANDT. The answer is the same.

Mr. TAVENNER. Was Mr. Criley one of those who led the delegation from Chicago to the Assembly?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Did Mr. Criley make a report to the Assembly?

Mr. BRANDT. The answer is the same.

Mr. TAVENNER. The committee, Mr. Chairman, has ascertained from reference to the Worker, this same issue of the Worker to which I am referring, that the Chicago Committee to Defend the Bill of Rights is handling all arrangements for the Assembly in the Midwest area.

Another committee listed is the Ohio Citizens for Constitutional Rights, 14712 Shaw Ave., East Cleveland.

Do you know who is sponsor for the operation of that group?

Mr. BRANDT. My answer is the same. I refuse to answer on the grounds previously stated.

Mr. TAVENNER. Another committee is the Maryland Committee for Democratic Rights, 1526 Winford Rd., Baltimore.

Do you know who is responsible for the functioning of that group?

Mr. BRANDT. The answer is the same.

Mr. TAVENNER. The article further lists the "St. Louis Representative" of the Assembly, with an address of 1434 Chambers Road, St. Louis. Is this representative Dr. Sol Londe?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. The article lists the "Philadelphia Representative" of the Assembly at 249 South Melville St., Philadelphia. Who is the Philadelphia representative?

Mr. BRANDT. I refuse to answer for the same reasons as stated before.

Mr. TAVENNER. Mr. Brandt, we have now called to your attention 10 of the reported 20 organizations.

Will you please identify for the committee the remaining organizations?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. It is noted from news reports of the Assembly that the Assembly proposes to reconvene upon call. Has any call been made to reconvene the Assembly?

Mr. BRANDT. I refuse to answer on the same grounds.

Mr. TAVENNER. Does the Communist Party have any plans for causing a reconvening of the Assembly?

Mr. BRANDT. Here you go again.

Mr. TAVENNER. Yes.

Mr. BRANDT. According to the information, public information that I have read in the New York Times, the Worker, National Guardian, a host of other papers, this National Assembly supposedly was sponsored by a group of very prominent men and women in this country. Prof. Linus Pauling, Dr. Urey, the Honorable ex-Governor Benson, the Honorable Moffatt, and a host of others.

It seems that your duty, your profession, is to attempt to smear these gentlemen with the red brush of communism.

According to the press releases I have read, what these gentlemen stated has nothing in common with what you are trying to do to them and about them in the present hearing. I think your purpose in mind is to attempt to intimidate not only any American, but even such prominent Americans whose names I have just mentioned, from speaking their mind. I will be no partner with you in such intimidation.

I refuse to answer the question on the same grounds.

Mr. TAVENNER. You can answer the whole question very simply if you will tell the committee the extent to which the Communist Party has been involved in the setting up of these groups and in concealing its own part in it.

If you would do that, there would be no reflection on people, other than the fact that they have been misled.

Now, I want to congratulate you on accomplishing your boast. You have succeeded pretty well.

Mr. FORER. Can't we get questions?

Mr. TAVENNER. By that I mean the boast that you made on October 1, 1961, at 1114 Rhode Island Avenue, Northwest, Washington, D.C., in a meeting at which you spoke 25 to 30 minutes, when you boasted that you would not tell this committee anything. So you determined before any question was asked you that you would not answer any questions, did you not?

Mr. BRANDT. Are you asking me a question, sir?

Mr. TAVENNER. Yes, sir.

Mr. BRANDT. I don't know what you have there. I wouldn't give this committee the satisfaction of any cooperation. I wouldn't give this committee ice in the winter or sunshine in the summer. I would not cooperate with you to any extent for the purposes for which you want me to cooperate with you.

Mr. SCHERER. Mr. Chairman, his statement indicates that he is not invoking the fifth amendment in good faith. He has now stated his real reason for not answering the questions. It clearly establishes this man has not invoked the fifth amendment in good faith.

The CHAIRMAN. The record speaks for itself.

Mr. SCHERER. I just wanted to make this observation on the record.

Mr. TAVENNER. Now you said something else at that meeting. I understand that you made this statement:

If we press Walter more, maybe we'll press him into the McCarthy grave. We are nailing shut the Walter coffin.

Is that correct?

Mr. BRANDT. I refuse to answer that. That is your paper.

Mr. TAVENNER. Why do you refuse to answer?

The CHAIRMAN. You are going to force me to change my mind and seek re-election if you are going to make statements like this.

Mr. BRANDT. I would be the greatest enemy of the American people if I were to do that.

Mr. SCHERER. Witness, you said that is his paper. Is what he read untrue?

Mr. BRANDT. I refuse to answer on the grounds of the fifth amendment.

Mr. SCHERER. The fact is you made that statement about the chairman of this committee, did you not?

Mr. BRANDT. I refuse to answer. You are saying that.

I refuse to answer on the grounds previously stated. I will not argue with you, Congressman Scherer.

The CHAIRMAN. It does not make any difference at all. I would be flattered if you would feel that way about me.

Mr. FORER. No personal reflections intended.

The CHAIRMAN. No, none whatsoever. I am exercising great restraint in expressing my opinion.

Mr. BRANDT. Congressman, I have exercised great restraint in being dragged here for such a three-ring circus.

The CHAIRMAN. Go ahead, Mr. Tavenner.

Mr. TAVENNER. That is all.

The CHAIRMAN. You will be highly gratified when you find your actions will result in the enactment of a law of your land, something that you can be very proud of.

Are there any questions?

Mr. BRUCE. I would like to refresh my memory with Mr. Tavenner, if I may. Is it not true that yesterday when you asked this witness what his occupation was, he claimed the privilege of the fifth amendment?

Mr. TAVENNER. Yes, he did.

Mr. BRUCE. Today you stated as a sworn witness that you are a machinist. Is it any less incriminating today to state what your

occupation is than it was yesterday, or did you use the fifth amendment falsely yesterday?

Mr. FORER. Can you break down those questions? I don't think any witness can answer four different questions.

Mr. BRUCE. Yesterday you claimed the fifth amendment when asked what your occupation was. Today you stated your occupation was a machinist. Did you falsely use the fifth amendment yesterday? Did you erroneously use the fifth amendment yesterday?

Mr. BRANDT. No.

Mr. BRUCE. Is it any less incriminating today to state your occupation than it would have been yesterday?

(The witness conferred with his counsel.)

Mr. BRANDT. I don't understand the question.

Mr. BRUCE. The question is, Is it any less incriminating today to state your occupation than it would have been yesterday?

Mr. FORER. You are assuming degrees of incrimination. I don't know that such a concept exists in law.

Mr. BRUCE. I am not interrogating the counsel.

The CHAIRMAN. I think this is argumentative. The record speaks for itself.

Mr. BRUCE. I simply point out there is a conflict as of yesterday and today.

The CHAIRMAN. Are there any further questions?

The witness is excused.

Call your next witness.

Mr. TAVENNER. Mr. William Schulz.

The CHAIRMAN. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SCHULZ. I do.

TESTIMONY OF WILLIAM SCHULZ

Mr. TAVENNER. You are Mr. William Schulz?

Mr. SCHULZ. I am.

Mr. TAVENNER. Were you present at 1114 Rhode Island Avenue on the night of October 1, 1961?

Mr. SCHULZ. I was.

Mr. TAVENNER. Did Mr. Joe Brandt address the gathering at that place?

Mr. SCHULZ. Yes, he did.

Mr. TAVENNER. Did he make any statement to those present, in your presence, relating to Mr. Walter and, if so, will you state what it was?

Mr. SCHULZ. Mr. Brandt told the 40 or 50 people who were present in a private home, "If we press Walter more, maybe we'll press him into the McCarthy grave. We will nail shut the Walter coffin."

Mr. TAVENNER. I have no further questions.

The CHAIRMAN. Well, with that we ought to adjourn but I guess we cannot, Mr. Tavenner.

Call the next witness.

Mr. TAVENNER. I would like to ask Miriam Friedlander to come forward, please.

The CHAIRMAN. Will you raise your right hand?

Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss FRIEDLANDER. I do.

TESTIMONY OF MIRIAM FRIEDLANDER, ACCOMPANIED BY COUNSEL, LAWRENCE SPEISER

Mr. TAVENNER. What is your name, please?

Miss FRIEDLANDER. Miriam Friedlander.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. SPEISER. Lawrence Speiser, attorney, 1612 I Street, N.W. Attorney with the Civil Liberties Union.

Mr. TAVENNER. Where do you reside, Miss Friedlander? Is it Miss?

Miss FRIEDLANDER. Yes.

Mr. TAVENNER. Where do you reside?

Miss FRIEDLANDER. 771 Crotona Park North, Bronx, N.Y.

Mr. TAVENNER. How long have you lived there?

Miss FRIEDLANDER. I don't quite understand the relevancy. I would say approximately 3 years.

Mr. TAVENNER. Will you give the committee, please, a brief account of your educational training?

Miss FRIEDLANDER. May I question something, sir? I have received no statement as to the purposes of this committee. I believe one was read yesterday, but I don't have it at hand. From what I heard yesterday, I still have questions as to the legislative purpose. Can I have a further explanation on that?

Mr. TAVENNER. I noticed that you were present when the opening statement was read. That is correct, is it not?

Miss FRIEDLANDER. Yes. But it is difficult, you know, just hearing it quickly that way.

First, I would like some statement in hand, if I could, just to look at it.

Mr. TAVENNER. Will you hand me a copy of the statement? The committee resolution authorizing this hearing is set forth word for word in the very first paragraph of the opening statement which I hand you.

(The document was handed to the witness.)

Miss FRIEDLANDER. From the reading of the first paragraph here, I don't see the pertinency of the hearing in regard to the legislative purpose of it.

Mr. TAVENNER. The committee has explained it fully. It is set forth in the resolution. If you do not understand it, there is nothing more I can say about it except this thumbnail statement, that the committee is endeavoring to ascertain what part the Communist Party is playing in establishment of a concealed group.

Miss FRIEDLANDER. Of course, your statement refers actually to no legislative purpose at the moment. As far as I can see, you are merely attempting to undermine or invade or what, I don't know, my first-amendment privileges of the right of free speech, association, or petition. It appears to me that is all that seems to be involved.

The CHAIRMAN. All right, you just decline to answer for those reasons.

Miss FRIEDLANDER. Under the first and the fifth. I see no purpose of the committee to be served by my answering any of these questions.

Mr. TAVENNER. To save time, I will withdraw the question regarding her education.

How are you now employed?

Miss FRIEDLANDER. Well, seeing no purpose in this investigation of the nature, I think I will just refuse to cooperate. I will continue under the privileges granted me by the Constitution under the first and fifth amendment.

Mr. TAVENNER. And by the privilege under the fifth amendment, you are referring to the clause relating to testimony against yourself?

Miss FRIEDLANDER. Well, it would be a shame for you to malign the Constitution in that manner. I will continue to honor the Constitution and take the fifth.

Mr. TAVENNER. By the fifth, what do you mean?

(The witness conferred with her counsel.)

Miss FRIEDLANDER. I will take the privilege against self-incrimination.

Mr. TAVENNER. Have you, for a period of years, been a paid organizer for the Communist Party?

Miss FRIEDLANDER. I continue the same privilege.

The CHAIRMAN. In other words, you decline to answer for the reasons that you stated in declining to answer the last question?

Miss FRIEDLANDER. Yes.

Mr. TAVENNER. I hand you a leaflet entitled "An Appeal To Defend Constitutional Liberties," issued by the Citizens Committee for Constitutional Liberties. Will you examine it, please?

(The document was handed to the witness.)

Mr. TAVENNER. If you will note, the inside of this leaflet is in the form of a "Dear Friend" letter. I ask you to look at the end of the statement where you will see in typewritten form—or printed form, rather—the names "Miriam Friedlander, Exec. Secy.," and "Dr. Oakley C. Johnson, Treasurer." Are you the Marian Friedlander referred to as the executive secretary for the Citizens Committee for Constitutional Liberties?

Miss FRIEDLANDER. I refuse to answer on the ground previously stated.

(Document marked "Friedlander Exhibit No. 1" follows:)

FRIEDLANDER EXHIBIT No. 1

An Appeal

To Defend Constitutional Liberties

FRIEDLANDER EXHIBIT No. 1—Continued

Dear Friend:

Like many other Americans, most likely you too were deeply disturbed by the June 5 decisions of the Supreme Court in the McCarran Act and Smith Act case. By a razor-thin 5-4 margin, the Court upheld the constitutionality of the McCarran Act, under which the Communist Party has been ordered to register and label itself, despite vigorous denials, as a foreign agent. By the same bare majority, the Court affirmed the membership provision of the Smith Act, making it a crime to be adjuged an "active" and "knowing" member of the Communist Party.

These decisions decree in effect, for the first time in American history, the outlawing of a legitimate political party on the basis of its beliefs — an action which must shock every American who cherishes our democratic traditions. The registration provision of the McCarran Act extends far beyond the Communist Party to embrace, under the designation "Communist front organization" any group which so much as takes the same position as the Communist Party on any political or social issue. And, as Justice Black said in his stirring dissent: "When the practice of outlawing parties and various public groups begins, no one can say where it will end."

Truly, these decisions have far-reaching ominous implications for the rights of all Americans. They threaten the rights of all to freedom of speech, press and assembly. They menace the rights of organized labor, freedom to fight for the rights of the Negro people, and not least, freedom to speak out for peace.

Small wonder, then, that a wide range of public opinion has already placed itself in opposition to the decisions, and that they have

FRIEDLANDER EXHIBIT No. 1—Continued

been criticized by such diverse publications as the *New York Times*, the *St. Louis Post-Dispatch*, the *Washington Post*, the *Boston Herald*, the *Nashville Tennessean*, *The Commonweal*, *The New Republic*, *The Nation* and the *National Guardian*. So extensive is this sentiment that Justice Frankfurter was impelled to grant a stay of execution of the registration order until October, when the Supreme Court will consider a petition for a rehearing.

We are firmly convinced that growing numbers of Americans will join in protesting this odious invasion of constitutional liberties, once they know the facts. And we are confident that the decisions will ultimately be reversed at the bar of public opinion, the highest court of all.

It is to bring the facts to the American people and to help wage the legal battles involved that the Citizens' Committee for Constitutional Liberties has come into being. Side by side with all other defenders of civil liberties, the Committee is dedicated to waging the fight against these and all similar measures, recognizing that the repression of constitutional rights for Communists opens the way for attacks upon the rights of all Americans.

To carry on these activities will require a great deal of money. The Committee has therefore undertaken to raise a fund of $100,000 to be used for legal defense, for the preparation of literature, for advertisements (a full-page ad in the *New York Times* alone costs $5,000), for mailings, for radio and TV time and for like purposes.

We need your help. We ask you to give — and give generously — in defense of your rights, of everyone's rights. Send us your contributions now. Make your check payable to Dr. Oakley

FRIEDLANDER EXHIBIT No. 1—Continued

C. Johnson, Treasurer. A self-addressed, postpaid envelope is enclosed for your convenience.
May we count on you?

Sincerely yours,

MIRIAM FRIEDLANDER, Exec. Sec'y.
DR. OAKLEY C. JOHNSON, Treasurer

Read: *A Fateful Moment in Our History,* Supreme Court Justice Hugo L. Black's powerful dissent in the McCarran Act decision. Price 15c per copy, 10c each in quantities of ten or more.

Other literature is also available. Write to:

CITIZENS' COMMITTEE FOR CONSTITUTIONAL LIBERTIES

22 East 17th Street, Room 1525
New York 3, N. Y. WA 9-6662

CITIZENS COMMITTEE FOR
CONSTITUTIONAL LIBERTIES

Enclosed is my contribution of $.....
to help defend constitutional liberties.

Enclosed is $..... for which please send me .....copies of *A Fateful Moment in Our History.*

Please put me on your mailing list. .....

NAME.....

ADDRESS.....

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Mr. TAVENNER. I may have mispronounced your first name. Your first name is Miriam? Is that correct?

Miss FRIEDLANDER. My answer still stands. First and fifth.

Mr. TAVENNER. You refuse to answer whether the correct spelling of your name is M-i-r-i-a-m?

Miss FRIEDLANDER. I believe you are literate, sir, if you want to read it again.

Mr. TAVENNER. Mr. Chairman, I ask that the witness be directed to answer the question as to whether the correct spelling of her first name is M-i-r-i-a-m.

Miss FRIEDLANDER. Would the chairman like to know the spelling of my name? If so, it is M-i-r-i-a-m, for the record, I believe.

Mr. TAVENNER. You will answer his questions but not mine; is that it?

The CHAIRMAN. I have not asked any because I do not care how you spell your first name.

Mr. TAVENNER. I heard a member of the press indicate that they were uncertain as to the spelling of your name. That is the reason I asked.

Miss FRIEDLANDER. I appreciate the concern.

Mr. TAVENNER. Will you tell the committee, please, whether you are the executive secretary of the Citizens Committee for Constitutional Liberties at this time?

Miss FRIEDLANDER. No matter how you ask it, sir, I will have to take the same privilege.

The CHAIRMAN. You do not have to. You say you "have to." You are not under any obligations.

Miss FRIEDLANDER. I believe the Constitution and the rights under the Constitution and the carrying through of the Constitution obliges me to protect it by using its privileges.

The CHAIRMAN. Do you?

Miss FRIEDLANDER. The first and the fifth.

Mr. TAVENNER. What method was used in selecting the person or persons as executive secretary and treasurer of the Citizens Committee for Constitutional Liberties?

Miss FRIEDLANDER. The same privilege.

(The witness conferred with her counsel.)

Mr. TAVENNER. Was this organization, the Citizens Committee for Constitutional Liberties, formed as a result of a basic participation by the Communist Party of the United States?

Miss FRIEDLANDER. I refuse to answer on the grounds previously stated.

Mr. TAVENNER. When was this organization formed?

Miss FRIEDLANDER. The same answer. I refuse to answer on the ground previously stated.

Mr. TAVENNER. I hand you a copy of a standard form of lease, made on the 12th of June 1961, with the Hartford Properties, Inc., and ask you to examine it, please.

(The document was handed to the witness.)

Mr. TAVENNER. Have you seen that lease before?

(The witness conferred with her counsel.)

Miss FRIEDLANDER. I am afraid I must take the same grounds for refusing to answer.

STANDARD FORM OF OFFICE LEASE
The Real Estate Board of New York, Inc.

O-2/57X

Agreement of Lease, made as of this 12th day of JUNE 19 61, between

HARTFORD PROPERTIES, INC.,

party of the first part, hereinafter referred to as LANDLORD, and MIRIAM FRIEDLANDER, presently residing at 721 CROTONA PARK N., BRONX 60, NEW YORK, Executive Secretary for CITIZENS COMMITTEE FOR CONSTITUTIONAL LIBERTIES,

party of the second part, hereinafter referred to as TENANT,

Witnesseth: Landlord hereby leases to Tenant and Tenant hereby hires from Landlord ROOM NOS. 1525-1526,

in the building known as 41 UNION SQUARE
in the Borough of MANHATTAN, City of New York, for the term of TWO (2) YEARS,

(or until such term shall sooner cease and expire as hereinafter provided) to commence on the 1st day of JULY nineteen hundred and sixty-one, and to end on the 30th day of JUNE nineteen hundred and sixty-three,

both dates inclusive, at an annual rental rate of ONE THOUSAND TWENTY ($1,020.00) DOLLARS, payable in equal monthly installments of $85.00,

which Tenant agrees to pay in lawful money of the United States which shall be legal tender in payment of all debts and dues, public and private, at the time of payment, in equal monthly installments in advance on the first day of each month during said term, at the office of Landlord or such other place as Landlord may designate, without any set off or deduction whatsoever, except that Tenant shall pay the first monthly installment(s) on the execution hereof (unless this lease be a renewal).

In the event that, at the commencement of the term of this lease, or thereafter, Tenant shall be in default in the payment of rent to Landlord pursuant to the terms of another lease with Landlord or with Landlord's predecessor in interest, Landlord may at Landlord's option and without notice to Tenant add the amount of such arrearages to any monthly installment of rent payable hereunder and the same shall be payable to Landlord as additional rent.

The parties hereto, for themselves, their heirs, distributees, executors, administrators, legal representatives, successors and assigns, hereby covenant as follows:

Rent 1. Tenant shall pay the rent as above and as hereinafter provided.
Occupancy 2. Tenant shall use and occupy demised premises for OFFICE,

and for no other purpose.

* * * * * * *

In Witness Whereof, Landlord and Tenant have respectively signed and sealed this lease as of the day and year first above written.

Witness for Landlord: Patricia Cantor

HARTFORD PROPERTIES, INC.
Helmsley-Spear, Inc. -Agent
By: Louis Brause [L. S.]
CORP. SEAL

Witness for Tenant:

MIRIAM FRIEDLANDER [L. S.]
By: Miriam Friedlander
CORP. SEAL

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Friedlander Exhibit No. 2."

The CHAIRMAN. It may be so marked.

(Document marked "Friedlander Exhibit No. 2" appears on opposite page.)

Mr. TAVENNER. I would like to call the chairman's attention to the fact that this lease bears the date of the 12th day of June 1961, between Hartford Properties, Inc., as the landlord, and Miriam Friedlander, presently residing at 771 Crotona Park, North, Bronx 60, New York, Executive Secretary for Citizens Committee for Constitutional Liberties, and that it is signed by typing "Miriam Friedlander," followed by a seal, and then signed a second time, "Miriam Friedlander, Exec. Sect.," with a corporate seal after it.

This is for a premise known as 41 Union Square, Rooms Nos. 1525–1526.

I would like to ask the witness whether or not those rooms are the rooms occupied and used by the Citizens Committee for Constitutional Liberties.

Miss FRIEDLANDER. I refuse to answer on the same ground as previously stated.

Mr. TAVENNER. Why did you take this lease in your own name?

Miss FRIEDLANDER. I refuse to answer on the same grounds.

Mr. TAVENNER. What was the source of the money paid for rent for this premise in the beginning months?

Miss FRIEDLANDER. I still invoke the first and fifth amendments.

Mr. TAVENNER. Were you acting at the direction of the Communist Party in taking out this lease in your name?

Miss FRIEDLANDER. I refuse to answer on the same grounds as previously stated.

Mr. TAVENNER. The date of that agreement is June 12, 1961. Were you a member of the National Committee of the Communist Party on that day?

Miss FRIEDLANDER. I still won't answer on the same grounds, sir.

Mr. TAVENNER. Were you a member of the National Committee of the Communist Party in the United States in 1959?

Miss FRIEDLANDER. I invoke the same privileges of the Constitution, first and fifth.

Mr. TAVENNER. Are you a member of the National Committee of the Communist Party now?

Miss FRIEDLANDER. I still refuse to answer on the same grounds.

Mr. TAVENNER. Will you tell the committee, please, whether or not Dr. Oakley C. Johnson is treasurer of the Citizens Committee for Constitutional Liberties?

Miss FRIEDLANDER. I take the same privileges, sir, the first and fifth amendments.

Mr. TAVENNER. I will show you a clipping from the New York Times of December 8, 1959, from which I read the following:

Besides Mr. Davis and Mr. Albertson, the only participants in the New York State convention identified by name were Evelyn Weiner of Manhattan, Miriam Friedlander of the Bronx, James Tormey of Brooklyn, Mort Scheer of Erie County, Mildred Meadory[1] of Harlem, Milt Rosen, state labor secretary, and Esther Cantor, state legislative representative.

(The document was handed to the witness.)

[1] Should read "Mildred McAdory" (now Mildred McAdory Edelman).

Mr. TAVENNER. The article in which this language appears is entitled "U.S. Communists To Convene Here. Party Awaits 225 Delegates for Meeting This Week."

It relates to a convention of the Communist Party in New York [17th National Convention].

Were you correctly identified as a participant in this convention?

Miss FRIEDLANDER. I invoke the same privileges as previously stated.

(Document marked "Friedlander Exhibit No. 3" and retained in committee files.)

Mr. TAVENNER. It is noted from what I read that James Tormey was identified as a participant in that convention. That was in 1959.

Will you tell the committee, please, whether James Tormey has been assigned to assist in the organization work and the functioning of the Citizens Committee for Constitutional Liberties?

Miss FRIEDLANDER. I reply on the same basis as previously, the first and fifth amendments.

Mr. TAVENNER. You have been active as an organizer of the Communist Party in many ways; have you not?

Miss FRIEDLANDER. I invoke the same privileges, sir.

Mr. TAVENNER. I hand you four nominating petitions in support of Arnold Johnson for Member of Congress in 1960. The names of various petitioners appear on these nominating petitions and at the bottom of each of them there is the statement of a witness. The witness is allegedly Miriam Friedlander.

Will you examine the four documents, please, and state whether or not you were the witness to the four petitions?

(The documents were handed to the witness.)

(The witness conferred with her counsel.)

Miss FRIEDLANDER. I refuse to answer on the basis previously stated.

Do you have any more questions, sir?

(Documents marked "Friedlander Exhibit No. 4" and retained in committee files.)

Mr. TAVENNER. Yes, I do. I have five more petitions of a similar character for the support of Mildred McAdory Edelman, for Assemblyman, and Arnold Johnson, for Member of Congress, for the same year, with your name as the subscribing witness to each of them.

Miss FRIEDLANDER. I see no relevancy to these questions to any functions of this committee. I must take the first and fifth amendment.

(Documents marked "Friedlander Exhibit No. 5" and retained in committee files.)

Mr. TAVENNER. Did you circulate these petitions yourself and procure the signatures of the people whose names appear thereon?

Miss FRIEDLANDER. I see no pertinency to the legislative purposes of this committee of these types of questions.

I still maintain there has been an invasion under the first amendment of my right to speak, to act, to petition, and to do as I wish on this question.

Mr. TAVENNER. Did you perform the same type of service in circulating petitions for Elizabeth Gurley Flynn?

Miss FRIEDLANDER. I refuse to answer on the same basis as previously stated.

Riviera Terrace, Inc.

1696 BROADWAY NEW YORK CITY CIrcle 5-7950 271

AGREEMENT made this 30 day of June 1961

between Riviera Terrace, Inc. Citizens Com Name Mrs. Friedlander

and Address 22 East 17th NY 3 —

Organization for Constitutional Liberties Phone No. WA 9-6662

Engager ..... Phone No. ..... Bus. Phone .....

Home Address ..... Bus. Address .....

subject to the rules and conditions printed on reverse side and which constitutes part of this contract.

Date of Function Thursday July 27/61 Type of Function Mass Meeting
(Day) (Date)

From ..... to ..... M.

Grand Ball Room ..... Price of Room $50 - + 19 Special Officers

Persons Guaranteed ..... Price per Person .....

MENU

Fruit .....

Relishes .....

Soup .....

Roast .....

Salad ..... Veg. .....

Dessert ..... Petite four .....

.....

.....

.....

.....

REMARKS

ALL BILLS MUST BE PAID BY CASH OR CERTIFIED CHECK RIVIERA TERRACE, INC.

Flowers Dies ..... Table .....

Printing Menu .....

.....

Wedding Cake ..... Name .....

Bar Mitzveh Cake .....

Rolling Bar Service .....

Liquer .....

.....

Cortage .....

Beer .....

Sodas .....

Paid on account total contract price $50

Waiters .....

Captains .....

Bartenders .....

Hors D'oeuvres Waiters .....

Staff Gratuities .....

Check Room $ .....

Special Officers 19

Head Waiter .....

Organizations must get Permit from the Police Department

Additional Payment due .....

City Sales Tax .....

Customer's Signature Miriam Friedlander

RIVIERA TERRACE, INC.

Accepted by David Vuchkovsky

Mr. TAVENNER. Were all three of these persons, Arnold Johnson, Mildred McAdory Edelman, and Elizabeth Gurley Flynn, known by you to be members of the Communist Party?

Miss FRIEDLANDER. I take the same privilege, sir, first and fifth.

Mr. TAVENNER. The committee investigation discloses that the Committee for Constitutional Liberties, Citizens Committee for Constitutional Liberties, of which you were allegedly the executive secretary, held a meeting on July 27, 1961, at Riviera Terrace in New York.

I hand you a copy of the lease for the premises and ask you to examine it and state whether or not you made that lease in behalf of the Citizens Committee for Constitutional Liberties.

(The document was handed to the witness.)

Miss FRIEDLANDER. I refuse to answer under the same conditions as previously stated.

Mr. TAVENNER. I desire to introduce the document in evidence, Mr. Chairman, and ask that it be made "Friedlander Exhibit No. 6."

The CHAIRMAN. It is so ordered.

(Document marked "Friedlander Exhibit No. 6" appears on opposite page.)

Mr. TAVENNER. It is noted from this document that the signature of the customer is "Miriam Friedlander" although in the body of the agreement it is made out in the name of Citizens Committee for Constitutional Liberties.

Can you explain to the committee why that difference; why you signed it differently from the manner in which it appears in the caption?

Miss FRIEDLANDER. The committee is entitled to no explanations, and I continue to refuse to give any further statements under the first and fifth amendments.

Mr. TAVENNER. Did this organization, the Citizens Committee for Constitutional Liberties, contribute to the expense of the holding of the assembly by the National Assembly for Democratic Rights?

Miss FRIEDLANDER. I decline to answer on the basis previously stated.

Mr. TAVENNER. Did this committee play any part in the organizational effort of the National Assembly for Democratic Rights?

Miss FRIEDLANDER. I continue to decline to answer.

Mr. TAVENNER. Did you play any part in the selection of sponsors for the National Assembly for Democratic Rights?

Miss FRIEDLANDER. I continue on the same basis as previously stated.

Mr. TAVENNER. Who in the leadership of the Communist Party made recommendations or passed upon the selection of sponsors for the National Assembly for Democratic Rights?

Miss FRIEDLANDER. I still continue, on the previous basis stated, to take the first and fifth amendment. This is a very odd legislative procedure.

Mr. TAVENNER. Well, it is difficult because of the fact that people who, according to the committee's information, are in a position to give facts regarding these things apparently will not state them.

The CHAIRMAN. You can appreciate our difficulty.

We, of course, are interested in the freedom of speech and we do not want to do anything that might indicate censorship. On the other

hand, we do feel that agents of a foreign government take advantage of well-intentioned people in these United States and there ought to be some way of protecting them. Maybe you can make a contribution, if you will, to our efforts to bring about this legislation.

Go ahead, Mr. Tavenner.

Mr. TAVENNER. I would like to ask you whether on September 24, 1961, at a meeting of the National Assembly for Democratic Rights, you addressed a meeting of the New York panel of that group?

Miss FRIEDLANDER. I refuse to answer on the same basis as previously stated.

Mr. TAVENNER. Let me put the question to you this way: Did you, at a meeting of the New York panel, state that the purpose of appealing to the Supreme Court in the Communist Party case was to delay the execution of the order for the Communist Party to register for as long as possible?

Miss FRIEDLANDER. It appears to me that this is a direct invasion of my right to speak, to associate, to petition, a direct invasion of the first-amendment and the fifth-amendment privilege.

I refuse to answer.

Mr. TAVENNER. I do not think so for the reason that, if you made that statement, it is in direct conflict with the statement of counsel for the Communist Party when it signed on its brief that this petition for rehearing was not made for the purpose of delaying; and if you as a member of the Communist Party and a member of the National Committee of the Communist Party, most vitally interested in this legislation, take the position that this appeal is for the purpose of delay, we are entitled to know it.

Now, did you make the statement?

Miss FRIEDLANDER. I refuse to answer on the grounds I have just stated, an invasion of my rights under the first and fifth amendments.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. Governor?

Mr. TUCK. I have no questions.

The CHAIRMAN. Are there any questions?

The next witness.

Mr. NITTLE. Oakley Johnson.

The CHAIRMAN. Mr. Johnson, will you raise your right hand, please, and swear the testimony you are about to give will be the truth, the the whole truth, and nothing but the truth, so help you God?

Mr. JOHNSON. I do.

TESTIMONY OF OAKLEY C. JOHNSON, ACCOMPANIED BY COUNSEL, LAWRENCE SPEISER

Mr. NITTLE. Will you state your name, please?

Mr. JOHNSON. My name is Oakley C. Johnson.

Mr. NITTLE. I see you are represented by counsel.

Will counsel kindly identify himself for the record?

Mr. SPEISER. Lawrence Speiser. I previously identified myself.

Mr. NITTLE. Where do you live, Mr. Johnson?

Mr. JOHNSON. In New York City—140 West 104th Street, in New York City.

Mr. NITTLE. You are appearing here today in response to a subpena served upon you?

Mr. JOHNSON. That is right.

Mr. NITTLE. Mr. Johnson, I hand you a pamphlet entitled "An Appeal to Defend Constitutional Liberties."

This pamphelt is a reprint of a "Dear Friend" letter signed by Miriam Friedlander, as executive secretary, and a Dr. Oakley C. Johnson, as treasurer, of the Citizens Committee for Constitutional Liberties.

Are you the Dr. Oakley C. Johnson named in that particular pamphlet?

(The document was handed to the witness.)

Mr. JOHNSON. I am going to claim all my rights and privileges under the United States Constitution and the Bill of Rights, including the first amendment and the fifth amendment, particularly that phrase in the fifth amendment which says that no person can be compelled to be a witness against himself.

The CHAIRMAN. Why did you stop there? Why did you not go on with the rest of it, "in any criminal proceedings"?

Mr. JOHNSON. Does that require an answer?

The CHAIRMAN. No.

Mr. JOHNSON. Thank you.

The CHAIRMAN. Go ahead.

Mr. NITTLE. Mr. Johnson, you are a member of the Communist Party?

Mr. JOHNSON. I decline to answer on the basis of the first and fifth amendments to the Constitution.

Mr. NITTLE. As a matter of fact, you are a charter member of the Communist Party, U.S.A. Is that not correct?

Mr. JOHNSON. I still continue to decline to reply to all questions of this sort.

Mr. NITTLE. Were you not a member of the original National Organization Committee of the Communist Party which met and planned the initial convention at which the Communist Party, U.S.A., was organized in Chicago, Ill., on September 1, 1919?

Mr. JOHNSON. I decline to answer.

Mr. NITTLE. In what way did you assume the office of the treasurer of the Citizens Committee for Constitutional Liberties?

Mr. JOHNSON. I decline to answer.

Mr. NITTLE. Were you appointed to that position by the National Committee of the Communist Party?

Mr. JOHNSON. I decline to answer.

Mr. NITTLE. On what grounds do you decline to answer that question?

Mr. JOHNSON. On the grounds I gave at the beginning. I said that I would claim all my rights and privileges under the United States Constitution and the Bill of Rights, including the first and the fifth amendments.

Mr. NITTLE. Does the Citizens Committee for Constitutional Liberties maintain a bank account?

Mr. JOHNSON. I decline to answer.

Mr. NITTLE. Now, the "Dear Friend" letter to which I referred initially, after setting forth the activities in which the Citizens Com-

mittee for Constitutional Liberties was created to engage, carries this paragraph:

> To carry on these activities will require a great deal of money. The Committee has therefore undertaken to raise a fund of $100,000 to be used for legal defense, for the preparation of literature, for advertisements (a full-page ad in the *New York Times* alone costs $5,000), for mailings, for radio and TV time and for like purposes.

How much money has the Citizens Committee for Constitutional Liberties raised to date?

Mr. JOHNSON. I must decline.

Mr. NITTLE. I ask that the "Dear Friend" letter be marked as an exhibit.

The CHAIRMAN. It may be made a part of the record.

(Document referred to previously marked "Friedlander Exhibit No. 1." See pp. 248–251.)

Mr. SCHERER. When was this Citizens Committee formed, Mr. Counsel?

Mr. NITTLE. June 12 of this year.

Is it not correct to state that the Citizens Committee for Constitutional Liberties was created on or about June 12 of this year?

Mr. JOHNSON. I decline.

Mr. SCHERER. Witness, it took some money to get the committee started. The fact is that that initial money came from the Communist Party.

Mr. JOHNSON. Is that a question?

Mr. SCHERER. Yes.

Mr. JOHNSON. I decline to answer.

Mr. NITTLE. Did not the National Committee of the Communist Party designate Miriam Friedlander as executive secretary and yourself as treasurer of the Citizens Committee for Constitutional Liberties?

Mr. JOHNSON. I decline to answer.

Mr. NITTLE. Can you tell us whether or not, in addition to yourself and Miriam Friedlander, the Communist Party has designated Joe Brandt, James Tormey, and Simon Schachter to work with you in this campaign of the Citizens Committee for Constitutional Liberties?

Mr. JOHNSON. I decline.

Mr. NITTLE. Do you know Joe Brandt as a member of the Communist Party?

Mr. JOHNSON. I decline to answer.

Mr. NITTLE. Do you know James Tormey as a member of the Communist Party?

Mr. JOHNSON. I decline to answer.

Mr. NITTLE. Do you know Simon Schachter as a member of the Communist Party?

Mr. JOHNSON. I decline to answer.

Mr. NITTLE. At the time the Citizens Committee for Constitutional Liberties was created, did they at that time plan to hold a National Assembly for Democratic Rights in September of this year?

Mr. JOHNSON. I decline to answer that question.

Mr. NITTLE. Do you know the answer to that question?

Mr. JOHNSON. I decline to answer that, also.

Mr. NITTLE. We had testimony from Joe Brandt yesterday and we had offered in the hearing a contract executed by Joe Brandt on behalf of the National Assembly for Democratic Rights for the leasing of St. Nicholas Arena for the days of September 23 and 24. Did you advance the money to Joe Brandt for the leasing of this arena?

Mr. JOHNSON. I decline to answer.

Mr. NITTLE. Did you advance any funds in the treasury of the Citizens Committee for Constitutional Liberties for the purpose of the National Assembly for Democratic Rights?

Mr. JOHNSON. I decline.

Mr. NITTLE. Did the sum of $1,995, which was paid for the New York Times advertisement, come from the treasury of your committee?

Mr. JOHNSON. I decline.

Mr. NITTLE. Did your committee receive any kind of subsidy or financial support from the Communist Party?

Mr. JOHNSON. I decline to answer.

Mr. NITTLE. Did it receive any from the Worker?

Mr. JOHNSON. I decline.

Mr. NITTLE. From the National Guardian?

Mr. JOHNSON. I decline.

Mr. NITTLE. People's World?

Mr. JOHNSON. I decline.

Mr. NITTLE. Or any of the Communist Party printing houses?

Mr. JOHNSON. Decline.

Mr. NITTLE. Were any services on the part of those publishing companies furnished without charge to your committee?

Mr. JOHNSON. I decline to answer.

Mr. NITTLE. Do you know whether they were?

Mr. JOHNSON. I decline.

Mr. NITTLE. Information in the possession of the committee, Mr. Johnson, indicates that the Citizens Committee for Constitutional Liberties was formed by the Communist Party in June 1961, to function as the party's defense committee and to raise funds and to conduct propaganda and agitational programs in an effort to counteract the Supreme Court decision of June 5, 1961. Is that information in the possession of the committee correct?

Mr. JOHNSON. I decline to answer.

Mr. NITTLE. Is it not correct that the headquarters of the Citizens Committee is located at 22 East 17th Street, New York City, at Room 1525?

Mr. JOHNSON. I decline to answer.

Mr. NITTLE. Was not one of the functions of this committee to serve as the national coordinator of the party's program, that is, the Communist Party's program, and to coordinate the work of the local defense committees which the party has ordered each of its districts to organize?

Mr. JOHNSON. I decline to answer.

(At this point, Mr. Bruce left the hearing room.)

Mr. NITTLE. No further questions.

The CHAIRMAN. Are there any questions?

Are you a member of the Communist Party today?

Mr. JOHNSON. I must decline to answer, Mr. Walter.

The CHAIRMAN. Call your next witness.

Mr. NITTLE. Mr. Tormey.

The CHAIRMAN. Will you raise your right hand, please, Mr. Tormey?

Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TORMEY. I do.

The CHAIRMAN. Be seated.

TESTIMONY OF JAMES JOSEPH TORMEY, ACCOMPANIED BY COUNSEL, GERHARD VAN ARKEL

Mr. NITTLE. Will you state your name, please?

Mr. TORMEY. James Tormey.

Mr. NITTLE. I see you are represented by counsel.

Will counsel kindly identify himself for the record?

Mr. VAN ARKEL. My name is Gerhard van Arkel, offices at 1730 K Street, Northwest, Washington, D.C. I am appearing here at the request of the American Civil Liberties Union.

Mr. NITTLE. Mr. Tormey, you have stated your name was James Tormey; is that right?

Mr. TORMEY. That is correct.

Mr. NITTLE. In full, James Joseph Tormey?

Mr. TORMEY. That is also correct.

Mr. NITTLE. Are you also known by any other name?

Mr. TORMEY. I don't know that that is the business of this committee. I have stated my name, and the name is James J. Tormey.

The CHAIRMAN. Are you known by any other name, Mr. Tormey?

Mr. TORMEY. I am not known by any other name.

Mr. NITTLE. Have you been known by the name of James Thorme—T-h-o-r-m-e?

Mr. TORMEY. Mr. Chairman, I would like to make a statement here.

I heard the statement of yourself yesterday and I would like to indicate my approach on this question. I would like to be granted permission.

The CHAIRMAN. You have been asked a question.

Mr. TORMEY. I am going to refuse to answer any question which invades my rights under the first amendment of the United States Constitution.

The CHAIRMAN. So you refuse to answer the question whether or not you are known as James Thorme on the ground that the Constitution does not require you to, is that it?

Mr. TORMEY. I refuse to answer the question on the basis of the fact that my constitutional rights, both under the first and the fifth amendments of the United States, protect me in this particular situation.

The CHAIRMAN. All right. Go ahead.

Mr. NITTLE. What is your present employment, Mr. Tormey?

Mr. TORMEY. Mr. Chairman, I would like to have my request granted now to make my statement.

The CHAIRMAN. You answer the question: What is your present employment?

Mr. TORMEY. Mr. Chairman, I had to sit here for about 15 or 20 minutes listening to your opening statement, which was an insult

to the American people's intelligence by suggesting to them that they do not know the difference between right and wrong and that, therefore, this committee must censor and otherwise give guidance to public opinion. I believe that you do not have more of a right before this committee than I do.

I ask that I be given an opportunity to do only one thing, to answer that statement.

(At this point, Mr. Bruce entered the hearing room.)

The CHAIRMAN. Go ahead, Mr. Tormey.

Mr. TORMEY. Thank you.

It was with a deep sense of outrage that I appear before your committee, being a law-abiding——

The CHAIRMAN. Just a minute. You are not going to launch into a tirade against this committee. You have been asked a question, and I direct you to answer the question that you were asked by Mr. Nittle.

Mr. TORMEY. What is the question?

Mr. NITTLE. Will you repeat the question?

(The question was read by the reporter.)

Mr. TORMEY. I refuse to answer the question on the basis of the fifth and first amendment.

Mr. SCHERER. Are you engaged in any illegal activity?

Mr. TORMEY. Did I say that?

Mr. SCHERER. You said to answer the question might tend to incriminate you.

Mr. TORMEY. I never said anything about incrimination. You, as a Congressman of the United States, presumably knowing something about the law, know that there is nothing in the fifth amendment of the United States Constitution which even mentions the word "incrimination."

The CHAIRMAN. Mr. Tormey, you have declined to answer the question.

Go ahead, Mr. Nittle.

Mr. TORMEY. And the Congressman here from Ohio has tried to entrap me by putting words in my mouth.

Mr. NITTLE. Mr. Tormey, are you a member of the National Committee of the Communist Party, U.S.A.?

Mr. TORMEY. The first amendment of the Constitution has the following to say:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for redress of grievances.

I submit that question is an invasion of my rights under the first amendment of the United States Constitution and therefore I will not answer.

The CHAIRMAN. Go ahead.

Mr. SCHERER. I ask you to direct the witness to answer the question.

The CHAIRMAN. You are directed to answer the question.

Mr. TORMEY. I refuse to answer the question on the basis of the first amendment to the United States Constitution and under the fifth amendment, which states that I am not required to become a witness against myself.

The CHAIRMAN. In a criminal proceeding. You have the Constitution there.

Mr. TORMEY. Do you doubt what the actual reality of the situation is that you are both judge and jury and legislator in this situation?

The CHAIRMAN. Go ahead, Mr. Nittle.

Mr. NITTLE. Mr. Tormey, were you assigned the responsibility of establishing and carrying out the organization both of the Citizens Committee for Constitutional Liberties and the National Assembly for Democratic Rights? And were you assigned to that particular effort by the Communist Party of the U.S.A.?

Mr. TORMEY. My interpretation—I believe the courts would uphold my interpretation—of the first amendment of the Constitution, to say that is none of your business.

The CHAIRMAN. Go ahead.

Mr. NITTLE. I ask, Mr. Chairman, that he be directed to respond to that question.

The CHAIRMAN. You are directed to answer that question.

Mr. TORMEY. I refuse to answer that question on the same grounds I previously stated, both in terms of the first and fifth amendments of the United States Constitution.

Mr. NITTLE. Did you personally supervise the selection of individuals who were to act as sponsors of the National Assembly for Democratic Rights?

Mr. TORMEY. Again I state that I intend to answer no question which will in any way infringe upon my rights within the first amendment of the U.S. Constitution and that this proceeding is illegal in the sense that it is attempting to impugn people for the use of the first and fifth amendments and that this, therefore, afterwards will become prima facie evidence of the allegations which this committee implies in its terms and questions.

Mr. NITTLE. Did you direct the establishment of supporting organizations in support of the National Assembly for Democratic Rights in cities throughout the United States?

Mr. TORMEY. Would you repeat that question, please?

Mr. NITTLE. Will the reporter read that question to the witness?

(The question was read by the reporter.)

Mr. TORMEY. I would like to ask the chairman of this committee just how that question is pertinent to the legislative purposes of this committee.

The CHAIRMAN. Answer the question.

Mr. TORMEY. I would like to have my question answered.

I would like to understand the question. If I am to answer a question, I must understand the question.

The CHAIRMAN. You are the witness, I am not.

Mr. TORMEY. I would be very happy were you in this chair under oath so that I could ask Chairman Walter some questions.

The CHAIRMAN. If our positions were reversed, I assure you I would not invoke the fifth amendment.

Go ahead, Mr. Nittle.

Mr. NITTLE. Will you answer the question?

Mr. TORMEY. I again state that I will not allow any infringement of my rights under the first amendment of the U.S. Constitution and also apply the fifth amendment.

Mr. NITTLE. Now, Mr. Tormey, I am going to read you a list of committees supporting the National Assembly for Democratic Rights as set forth in the Worker of September 17, 1961.

Mr. TORMEY. I don't think you should trouble yourself.

Mr. NITTLE. I am going to ask you if you assisted in the creation of these organizations.

Mr. SCHERER. You mean did he assist in the creation of these organizations as a member of the National Committee of the Communist Party?

Mr. NITTLE. Yes, I would enlarge the question to include that. Did you create these organizations as a member of the National Committee of the Communist Party; first, the Citizens Committee for Constitutional Liberties with address in New York? Did you?

Mr. TORMEY. I give the same answer to this question both in terms of the first and the fifth amendments.

Mr. NITTLE. The Minnesota Committee to Defend the Bill of Rights?

Mr. TORMEY. Why don't you just read them all off, and we can expedite and save the taxpayers a little money here.

Mr. NITTLE. You are presumably aware, then, of all the organizations which have been designated in the Worker as having been supporting organizations of the National Assembly?

This particular exhibit has already been marked "Brandt Exhibit No. 12." It is a copy of the Worker, dated September 17, 1961, in which various organizations are listed. (See Brandt Exhibit No. 12, opp. p. 239.)

Do you wish to examine the supporting organizations?

Mr. TORMEY. I don't think it will be necessary at all. I heard you read off this list already to a number of witnesses prior to me and I say I shall not allow my rights to be invaded and invoke the first and fifth amendments.

Mr. NITTLE. Mr. Tormey, I show you a "Call" to the National Assembly for Democratic Rights and ask you to identify those persons who have solicited the sponsors for that particular Call.

Mr. TORMEY. I apply the same privileges under the Constitution of the United States as previously stated.

Mr. Chairman, I am not quite clear what my situation is here now. Have you deprived me of the right to answer your statement?

(Document previously marked "Duval Exhibit No. 1." See Part 1 of hearings, pp. 167–170.)

The CHAIRMAN. Yes, on the theory that you have no right to answer the opening statement.

Mr. TORMEY. Do you have rights in this committee that I do not have?

The CHAIRMAN. If you care to submit a statement, we will make it a part of the record.

Mr. TORMEY. Will I be permitted to read this statement during some part of this proceeding?

The CHAIRMAN. No, you will be permitted to submit it, and we will decide whether or not it is worthy of consideration. If it is, we will make it a part of the record.

Mr. TORMEY. In other words, you are not promising that this will become part of the record in this proceeding?

The CHAIRMAN. Go ahead.

Mr. TORMEY. I would like to have my question answered.

Do you have a right before this committee, Chairman Walter, that I do not have, as a United States citizen and veteran of World War II?

Mr. NITTLE. You have been asked questions here, Mr. Tormey, and you must comport yourself in an orderly way.

The Worker of August 13, 1961, identifies Simon Schachter as secretary of the National Assembly's Arrangements Committee.

Will you tell us how Simon Schachter was selected for this position?

Mr. TORMEY. I shall not allow my rights as a citizen of this country to be invaded by this committee and, therefore, I invoke again the first amendment of the U.S. Constitution.

Mr. NITTLE. Oakley Johnson, according to the official releases of the Citizens Committee for Constitutional Liberties, is treasurer of that organization.

Do you, as a member of the National Committee of the Communist Party, know how Oakley C. Johnson was selected for position of the treasurer?

Mr. TORMEY. I would say that the first amendment of the U.S. Constitution would say that is no business of this committee and, therefore, I invoke the first and fifth amendments.

Mr. NITTLE. Do you know Oakley C. Johnson?

Mr. TORMEY. As I shall do to all subsequent questions along the same line. You can save this committee a lot of money by dispensing with it.

Mr. NITTLE. Well, we certainly would not want the Communist Party to tell us how to spend the money of the United States.

The CHAIRMAN. Mr. Nittle, ask your questions.

Mr. NITTLE. Who effected the appointment of Oakley C. Johnson as treasurer of the Citizens Committee for Constitutional Liberties?

Mr. TORMEY. The same answer as previously given to your other questions.

Mr. NITTLE. Could you tell us how much in the way of funds the Communist Party has contributed to get the National Assembly for Democratic Rights off the ground?

Mr. TORMEY. The same answer.

Mr. NITTLE. Will you tell us when and where the last Communist Party meeting took place which you attended regarding the National Assembly for Democratic Rights?

Mr. TORMEY. As I say, under the first amendment of the United States Constitution that is none of your business and I invoke the first and the fifth amendment.

Mr. NITTLE. Will you tell us who in the Communist Party was the final authority to give the approval as to the individuals who were to be contacted to act as sponsors for the National Assembly for Democratic Rights?

Mr. TORMEY. The answer is the same.

Mr. NITTLE. No further questions.

The CHAIRMAN. I think this would be a good place to recess.

The committee will recess until 2 o'clock.

The witness is excused.

(Whereupon, at 12:15 p.m., Tuesday, October 3, 1961, the committee recessed, to reconvene at 2 p.m., the same day.)

AFTERNOON SESSION, TUESDAY, OCTOBER 3, 1961

(The committee reconvened at 2 p.m., Hon. Francis E. Walter, chairman of the committee, presiding.)

(Members of the committee present at time of reconvening: Representatives Francis E. Walter and Henry C. Schadeberg.)

The CHAIRMAN. The committee will be in order.

Mr. WALSH. John J. Ungvary.

The CHAIRMAN. Will you raise your right hand?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. UNGVARY. I do.

TESTIMONY OF JOHN J. UNGVARY

Mr. WALSH. Will you give your full name, please?

Mr. UNGVARY. John J. Ungvary, 17103 Stockbridge Avenue, Cleveland 28, Ohio.

Mr. WALSH. What is your business?

Mr. UNGVARY. A member of the Cleveland, Ohio, Police Department.

Mr. WALSH. How long have you been a member of the Cleveland Police Department?

Mr. UNGVARY. Since September 1, 1937.

Mr. WALSH. You are now a sergeant?

Mr. UNGVARY. That is right.

Mr. WALSH. Do you have any special detail as a sergeant in which you participate?

Mr. UNGVARY. Yes, sir. I am assigned to the Bureau of Special Investigation, specializing in the investigation of subversive activities.

Mr. WALSH. How long have you been so engaged in investigating subversive activities?

Mr. UNGVARY. Since March 1940.

Mr. WALSH. Sergeant, confining your testimony to the time in and around when they had a rally in New York City for the National Assembly for Democratic Rights, would you tell the committee what you have discovered in the course of your official capacity as a sergeant in the special detail of subversive activities?

Mr. UNGVARY. Yes, sir. Through one of our confidential sources, I received this particular publication, "A Call to Action."

Mr. WALSH. Just a moment, please. Mr. Chairman, I understand that this particular document has been introduced previously as an exhibit. (See Duval Exhibit No. 1, Part 1 of hearings, pp. 167–170.)

Mr. UNGVARY. In that connection, and through the same source, I received this particular mimeographed sheet.

Mr. WALSH. I understand that this was signed by an Edna Kaufman. It says "Edna Kaufman, Chairman, Citizens for Constitutional Rights."

Mr. UNGVARY. That is correct.

(At this point Representative Bruce entered the hearing room.)

Mr. WALSH. May I mark this exhibit as "Ungvary Exhibit No. 1"?

The CHAIRMAN. It may be so marked.

(Document marked "Ungvary Exhibit No. 1" follows:)

UNGVARY EXHIBIT NO. 1

3167 West 11 St.
Cleveland 9, Ohio
Sept. 6, 1961

Dear Friend:

Enclosed is a Call to a national civil liberties conference to be held in New York on September 23-24th.

As a newly-formed Cleveland area group, the CITIZENS FOR CONSTITUTIONAL RIGHTS supports the purpose of this assembly and invites your active participation in this timely effort to defend American democratic traditions.

We sincerely hope that you will attend as an individual or as a representative, in an official or unofficial capacity, of your organization. The registration form on the Call should be sent promptly to the New York Committee or to us.

For your convenience, we have made the following arrangements:

TRANSPORTATION: Chartered Greyhound bus to New York for 37 Passengers; round trip fare very reasonable...$20.

TIME SCHEDULE: Board bus at Terminal Tower Bldg;, Prospect St. entrance...Friday night, Sept. 22nd, from 9:30 to 10 P.M.

Bus leaves at 10 P.M. sharp and arrives in New York on Saturday, Sept. 23rd about 10 A.M.

HOTEL RESERVATIONS: The bus company will reserve rooms for us at a good mid-town hotel; cost about $7. per person.

DEADLINE: September 15th is the deadline for all bus and hotel reservations. Please send your $20. check for bus fare, made out to me, before September 15th.... Your contribution, or any donations you can raise, will help pay the way for interested student delegates.

For further information, please call:

Miss Edith Lawrence... GA1-8580 or Mrs. Virginia Harden.SK2-4833

Yours for an effective Cleveland Representation,

Edna Kaufman

Edna Kaufman (PR 1- 4878)
Chairman, Citizens for CONSTITUTIONAL RIGHTS

Mr. WALSH. I now show you the Worker dated September 17, 1961, and on page 11 it says, "Ohio Citizens for Constitutional Rights, 14712 Shaw Avenue, East Cleveland."

Do you know who lives at 14712 Shaw Avenue, in Cleveland?

Mr. UNGVARY. Yes, sir.

Mr. WALSH. Who?

Mr. UNGVARY. That is the residence of Martin Robbins.

Mr. WALSH. And do you know whether he is married?

Mr. UNGVARY. Yes, sir.

Mr. WALSH. Do you know his wife's name?

Mr. UNGVARY. Jean.

Mr. WALSH. Mr. Robbins is the chairman of the Ohio Citizens for Constitutional Rights, whereas Mrs. Edna Kaufman is the chairman for the Citizens for Constitutional Rights. Can you explain that?

Mr. UNGVARY. Yes. Edna Kaufman is the chairman of the Cleveland branch, and Mr. Robbins is the chairman of Ohio.

(Document previously marked "Brandt Exhibit No. 12." See opp. p. 239.)

Mr. WALSH. Have you anything else, sir?

Mr. UNGVARY. In connection with this particular investigation, I contacted the Greyhound Bus Co. and learned that Edna Kaufman had made the arrangements for the chartering of a bus for New York, and later I returned to the bus company and found that Edna Kaufman had paid for the bus via her personal check in the amount of $622.46.

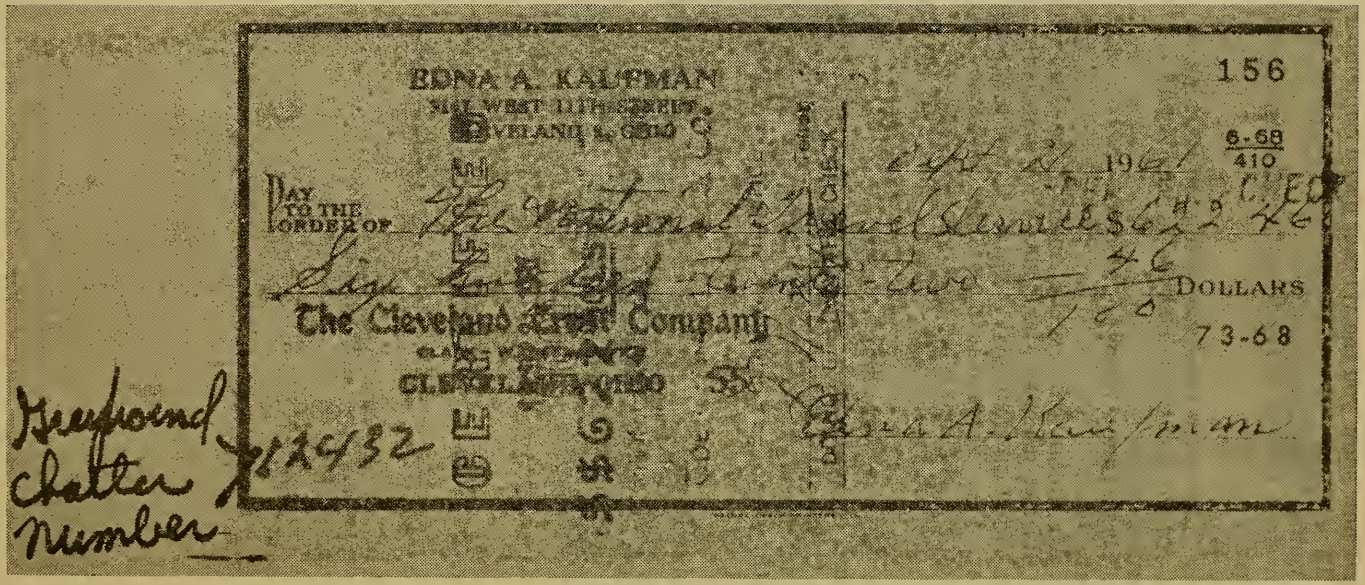
(At this point Representative Scherer entered the hearing room.)

Mr. WALSH. May I have this marked as an exhibit?

The CHAIRMAN. It may be made a part of the record.

(Document marked "Ungvary Exhibit No. 2" follows:)

UNGVARY EXHIBIT NO. 2



Mr. WALSH. This is a check of Edna A. Kaufman, and it is made to The National Travel Service in the amount of $622.46. It is signed "Edna A. Kaufman."

Mr. UNGVARY. That is correct.

Mr. WALSH. You received that from the Greyhound Bus?

Mr. UNGVARY. From the Greyhound Bus.

Mr. WALSH. Have you a pamphlet to the effect of what time the buses leave?

Mr. UNGVARY. The time schedule for the bus is on that letter which was signed by Edna Kaufman.

Mr. WALSH. According to this Exhibit No. 1, the transportation is a "Chartered Greyhound bus to New York for 37 Passengers; round trip fare very reasonable—$20." The time schedule for the departure of the bus is around 10 o'clock p.m. on the night of September 22, 1961.

Mr. UNGVARY. That is correct.

Mr. WALSH. Did you have an occasion to be in the vicinity of the bus company when that particular bus was supposed to leave for New York?

Mr. UNGVARY. I was, sir.

Mr. WALSH. What did you observe?

Mr. UNGVARY. At approximately 9:15, the time I got there, in company with my partner, I observed persons being conveyed to the bus, discharged from their automobiles, boarded the bus. I recognized some of the operators of the vehicles who were conveying passengers to the bus, and I also recognized some of the individuals that had boarded the bus.

Mr. WALSH. Would you be kind enough to tell the committee some of the individuals whom you recognized?

Mr. UNGVARY. Jerome Joseph.

Mr. WALSH. Do you know anything about Jerome Joseph?

Mr. UNGVARY. Jerome Joseph was named a member of the Communist Party during the hearing sponsored by the Ohio House Un-American Activities Commission.

Mr. WALSH. Anybody else, please?

Mr. UNGVARY. Julius Cincar, Jean Krchmarek. Jean Krchmarek was conveyed to the bus stop by an automobile driven by her husband, Anton Krchmarek, who is the Ohio State chairman of the Communist Party.

Mr. WALSH. Do you know anything else about Anton Krchmarek? Do you know whether or not he has ever been convicted under the Smith Act, which makes it a crime to advocate the overthrow of the Government by force and violence?

Mr. UNGVARY. Anton Krchmarek was convicted under the Smith Act, and the conviction was reversed in a later appeal.

Mr. WALSH. That reversal was based on a decision of the Supreme Court in *United States* versus *Yates?*

Mr. UNGVARY. That is correct, sir.

Mr. WALSH. I show you the Worker of Sunday, August 20, 1961, and ask you to look at that and tell me whether or not you recognize the person with the byline?

(The document was handed to the witness.)

Mr. UNGVARY. The person named in the byline is Jean Krchmarek.

Mr. WALSH. And that is the wife of Anton?

Mr. UNGVARY. She is the wife of Anton Krchmarek.

(Document marked "Ungvary Exhibit No. 3," and retained in committee files.)

Mr. WALSH. Do you know whether or not she writes regularly for the Worker, and, if so, please tell the committee.

Mr. UNGVARY. She regularly submits articles both to the Worker and to Political Affairs.

Mr. WALSH. Can you tell approximately how many people got on the bus when it left Cleveland, Ohio?

Mr. UNGVARY. On the evening of September 22, during the interval that I made observations, I approximated between 25 and 30 persons having boarded the bus.

Mr. WALSH. I interrupted you before when you were down to Jean Krchmarek. Would you tell me any others you recognized getting on the bus?

Mr. UNGVARY. Julius Cincar, Mrs. George Tomsik, Henry Siegel, James Smid, and Morris Jaffa.

Mr. WALSH. Do you know what happened, through your investigation, when this bus arrived in New York?

Mr. UNGVARY. I pursued the investigation further by causing inquiries to be made in New York City at the Empire Hotel, where I learned that Edna Kaufman had registered at the Empire Hotel on the 23d of September 1961 for 28 people. They stayed overnight and had 11 rooms. She gave her address as 3167 West 11th Street, and the registration was under the Citizens for Constitutional Rights.

Mr. WALSH. And you don't know who paid for the hotel accommodations, do you?

Mr. UNGVARY. No, sir; I do not.

Mr. WALSH. I have no further questions.

The CHAIRMAN. Are there any questions from members of the committee?

If not, thank you very much.

Mr. WALSH. Thank you, Sergeant.

Mr. UNGVARY. You are welcome.

The CHAIRMAN. Call your next witness.

Mr. WALSH. Edna Kaufman.

The CHAIRMAN. Will you raise your right hand, Mrs. Kaufman?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. KAUFMAN. Sure.

TESTIMONY OF EDNA A. KAUFMAN, ACCOMPANIED BY COUNSEL, LAWRENCE SPEISER

Mr. WALSH. Will you state your full name, Mrs. Kaufman?

Mrs. KAUFMAN. Initial?

Mr. WALSH. Everything.

Mrs. KAUFMAN. Edna A. Kaufman.

Mr. WALSH. Do you have any other name which you go under at any time?

Mrs. KAUFMAN. No, sir.

Mr. WALSH. I see that you are represented by counsel.

Will you kindly identify yourself?

Mr. SPEISER. Lawrence Speiser. I have previously identified myself.

Mr. WALSH. Mrs. Kaufman, where do you live in Cleveland?

Mrs. KAUFMAN. 3167 West 11th.

Mr. WALSH. How long have you resided there?

(The witness conferred with her counsel.)

Mrs. KAUFMAN. Two years.

Mr. WALSH. And prior thereto, where did you live?

Mrs. KAUFMAN. Route 1, Mount Gilead, Ohio.

Am I loud enough? I noticed yesterday you couldn't hear in the back of the room at all.

The CHAIRMAN. We can hear.

Mrs. KAUFMAN. I would like to know if the audience can hear me.

Mr. WALSH. They can hear you well. You are coming through loud and clear.

Mrs. KAUFMAN. All right.

Mr. WALSH. Will you give the committee a brief sketch of your education?

Mrs. KAUFMAN. I gave that in 1956, at my hearing in Youngstown. You have the record.

Mr. WALSH. And at that time, if my memory serves me correctly, you were identified by the testimony of David W. Garfield on November 26, 1956, before this committee, as a member of the Communist Party.

Mrs. KAUFMAN. That is right.

Mr. WALSH. And also in that particular hearing you took the fifth amendment on more occasions than you answered, about your educational background.

Mrs. KAUFMAN. Yes, everything.

Mr. WALSH. Mrs. Kaufman, on September 17, 1961, there appeared an article in the Worker entitled "Registrations Rise For Democratic Rights Assembly," and on page 11 of that, I see that there is an Ohio Citizens for Constitutional Rights, 14712 Shaw Avenue.

Do you know a man by the name of Martin Robbins?

(The witness conferred with her counsel.)

Mrs. KAUFMAN. I decline to answer on the basis of the first and fifth amendments.

(Document previously marked "Brandt Exhibit No. 12." See opp. p. 239.)

Mr. WALSH. Now, Mrs. Kaufman, I show you what appears to be a throw-away signed by you, by a facsimile signature, and ask you to look at that. That has previously been marked "Ungvary Exhibit No. 1." Tell me whether or not you recognize that, and is that a facsimile of your signature?

(The document was handed to the witness.)

Mrs. KAUFMAN. I decline to answer on the basis of the first and fifth amendments.

(See Ungvary Exhibit No. 1, p. 266.)

Mr. WALSH. Were you chairman of the Citizens for Constitutional Rights, Mrs. Kaufman, on September 6, 1961

Mrs. KAUFMAN. I decline to answer on the same grounds.

Mr. WALSH. Would you tell the committee the relationship between the Cleveland branch, Citizens for Constitutional Rights, and the Ohio Citizens for Constitutional Rights?

Mrs. KAUFMAN. I decline to answer on the basis of the first and fifth amendments.

Mr. WALSH. Mrs. Kaufman, did you hire a bus to take certain individuals to the city of New York to attend a rally held by the National Assembly for Democratic Rights at St. Nicholas Arena?

Mrs. KAUFMAN. I decline to answer on the basis of the first and fifth amendments.

Mr. WALSH. I show you what purports to be a photostatic copy of a check signed by Edna A. Kaufman. I ask you whether or not you recognize that check and, if so, did you give it to the payee in payment for the bus to New York?

(The document was handed to the witness.)

Mrs. KAUFMAN. I decline to answer on the same grounds.

(Document previously marked "Ungvary Exhibit No. 2." See p. 268.)

Mr. WALSH. Would you kindly tell the committee when you formed the Citizens for Constitutional Rights for which you, I presume, had these throw-away sheets prepared, on or around September 6, notifying individuals that there was a bus to go to New York to attend this rally for a National Assembly for Democratic Rights?

Mrs. KAUFMAN. I decline to answer on the same grounds.

Mr. WALSH. Did anyone else participate with you in the organization of this group that went to New York City for the rally on September 23 and 24, 1961?

Mrs. KAUFMAN. I decline to answer on the basis of the first and fifth amendments.

Mr. WALSH. Would you kindly tell the committee who asked you to form such a committee and appointed you as chairman of the Citizens for Constitutional Rights?

Mrs. KAUFMAN. I decline to answer on the same grounds.

Mr. WALSH. The person who told you to form this committee, was he on the national level or the State level?

Mrs. KAUFMAN. I decline to answer——

Mr. WALSH. You understand the question?

Mrs. KAUFMAN. Sure, I understand that.

Mr. WALSH. Did you work in cooperation with Mark Robbins when he had the Ohio Citizens for Constitutional Rights?

Mrs. KAUFMAN. I decline to answer on the same grounds.

Mr. WALSH. Do you know an individual by the name of Jean Robbins?

Mrs. KAUFMAN. I decline to answer on the same grounds.

Mr. WALSH. I show you this piece of paper [letter dated Sept. 30, 1961, from Jean Robbins to Congressman Walter] and ask you whether or not you recognize the signature of Jean Robbins.

(The document was handed to the witness.)

Mrs. KAUFMAN. I decline to answer on the same grounds.

(Document marked "Kaufman Exhibit No. 1" and retained in committee files.)

Mr. WALSH. Would you note in the letter that your name is prominently mentioned?

Mrs. KAUFMAN. I decline to answer, sir.

Mr. WALSH. May I see the exhibit, please?

This letter—summarizing it—is a protest to the hearing being held yesterday and today. Did you know that Mrs. Jean Robbins,

the wife of Mark Robbins, who is the chairman for the Ohio Citizens for Constitutional Rights, wrote that letter?

Mrs. KAUFMAN. I decline to answer on the same grounds.

Mr. WALSH. Did you ask her to write this letter?

Mrs. KAUFMAN. I decline to answer.

Mr. WALSH. Did you ask any other individual or group of individuals to convey their feelings to this committee with reference to your appearance here?

Mrs. KAUFMAN. I decline to answer on the same grounds. I would be glad if you would read that letter into the record.

Mr. WALSH. It is part of the exhibits.

In New York, is it true that your group from Cleveland went to the Empire Hotel?

Mrs. KAUFMAN. I decline again to answer.

Mr. WALSH. Is it true that you registered for 28 individuals at the Empire Hotel on September 23, 1961?

Mrs. KAUFMAN. I decline to answer.

Mr. WALSH. Why did you sign and register for all of them? Was it because of the fact that you didn't want these individuals' names to be known and to become public?

Mrs. KAUFMAN. I decline to answer, sir.

Mr. WALSH. Did you go to New York City?

Mrs. KAUFMAN. I decline to answer.

Mr. WALSH. While in New York City, did you have an occasion at any time to confer with Joseph Brandt, national committeeman, with reference to the National Assembly for Democratic Rights?

Mrs. KAUFMAN. I decline to answer on the same grounds.

Mr. WALSH. How about Miriam Friedlander?

Mrs. KAUFMAN. Same answer.

Mr. WALSH. James Tormey?

Mrs. KAUFMAN. Same answer.

Mr. WALSH. I believe that is all, Mr. Chairman.

The CHAIRMAN. Are there any questions?

If not, the witness is excused.

Call your next witness.

Mr. WALSH. Mark Solomon.

The CHAIRMAN. Raise your right hand to be sworn.

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SOLOMON. I do.

TESTIMONY OF MARK I. SOLOMON, ACCOMPANIED BY COUNSEL, STANLEY FAULKNER

Mr. WALSH. Would you give the record your full name?

Mr. SOLOMON. Mark Solomon.

Mr. WALSH. Do you have any middle initial?

(The witness conferred with his counsel.)

Mr. SOLOMON. Yes. Mark I. Solomon.

Mr. WALSH. Where do you live, sir?

Mr. SOLOMON. 3285 Ewald Circle, Detroit, Mich.

Mr. WALSH. You have counsel with you. Would you have him identify himself?

Mr. FAULKNER. I am Stanley Faulkner, 9 East 40th Street, New York 16, N.Y.

Mr. WALSH. Where were you born, sir?

(The witness conferred with his counsel.)

Mr. SOLOMON. In New York City.

Mr. WALSH. Would you give the committee a short résumé of your education?

Mr. SOLOMON. Would you please explain to me how that question relates to the scope of the investigation of this committee and how it relates to the resolution?

Mr. WALSH. Among other things, the committee wants to be fair not only to you, but every other individual that might have the same name as you and in order to identify you as a witness here, it would be helpful not only to you, but to individuals who have the same name as you, so that they may look at the record and distinguish themselves from you.

(The witness conferred with his counsel.)

Mr. SOLOMON. I don't see any relevancy to that question whatsoever.

The CHAIRMAN. All right; go ahead.

Mr. WALSH. You will not give your educational background?

Mr. SOLOMON. I have already made clear my position here.

Mr. WALSH. Let me ask you this question: Did you ever attend the Franklin K. Lane High School?

(The witness conferred with his counsel.)

Mr. SOLOMON. I think I made it very clear, Mr. Counsel, that I would not and could not answer that.

The CHAIRMAN. You are directed to answer that question.

Did you attend this high school?

Mr. SOLOMON. I am directed to answer that, Mr. Chairman?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. SOLOMON. If I am directed to answer that question, I decline to answer it on the basis of my constitutional rights under the first amendment to the Constitution, and under the fifth amendment.

Mr. WALSH. I show you a photostatic copy of the Worker dated September 17, 1961, which has already been introduced here, and ask you to look at that.

(The document was handed to the witness.)

Mr. WALSH. That lists the committees which supported the National Assembly for Democratic Rights. You will find it on page 11, if you turn it over, over on the right-hand side.

Do you notice as a listing the Michigan Committee of the National Assembly for Democratic Rights, 1306 Holden Avenue, Detroit 2, Mich.?

(The witness conferred with his counsel.)

Mr. SOLOMON. You are asking me if I notice it, sir?

Mr. WALSH. Yes. Can you read that?

Mr. SOLOMON. Yes, I can read that, sir.

Mr. WALSH. Did you have anything to do with the formation of that committee?

Mr. SOLOMON. I respectfully decline to answer that question, sir, on the basis of my profound rights under the first amendment of the Constitution.

(Document previously marked "Brandt Exhibit No. 12." See opp. p. 239.)

Mr. WALSH. Did you ever work for a corporation known as the Adtype Graphic, Inc., at 1306 Holden Avenue, Detroit 2, Mich.?

Mr. SOLOMON. I would decline to answer that question on the same grounds.

Mr. SCHERER. Mr. Chairman, I ask you to direct him to answer it. He has only invoked the first amendment.

The CHAIRMAN. You are directed to answer the question.

Mr. SOLOMON. I am directed to answer that question?

The CHAIRMAN. Yes.

Mr. SOLOMON. I decline to answer that question under my constitutional rights guaranteed by the first and fifth amendments.

Mr. WALSH. Do you know a man by the name of Morris Gleicher, whose address is 1306 Holden Avenue, Detroit 2, Mich.?

Mr. SOLOMON. I respectfully decline to answer that question.

Mr. WALSH. In order not to waste any time, I am going to summarize an affidavit that Morris Gleicher sent in to the committee, and it was to the effect that you hired or rented an office at 1306 Holden Avenue for about 3 weeks at $70, and also that you had formerly worked for Morris Gleicher. He has sent this affidavit in, in which he did not refer to you as the former employee, but in a subsequent telegram, October 2, 1961, he did state that you were the lessee, as stated in his affidavit of September 28, 1961.

I show you this and ask you to look at it and tell the committee whether or not it is a fact.

(The document was handed to the witness.)

Mr. SOLOMON. Would you please reframe that question?

Mr. WALSH. I ask you to look at this exhibit, read the affidavit, and ask whether or not the statements contained in the affidavit, plus the telegram, are factual and true.

(The witness conferred with his counsel.)

Mr. SOLOMON. You are asking me if the statement by someone else is a fact?

Mr. WALSH. I am asking you whether or not you did hire the building at 1306 Holden Avenue in Detroit for a period of 3 weeks and paid him $70 for the particular premises.

(The witness conferred with his counsel.)

Mr. SOLOMON. I decline to answer that. It is an obvious violation of my rights under the first amendment.

(Documents marked "Solomon Exhibits Nos. 1(a) and 1(b)" follow:)

SOLOMON EXHIBIT No. 1(a)

ADTYPE GRAPHIC, INC. 1366 HOLDEN AVENUE DETROIT 2, MICHIGAN TRINITY 2-0211

September 28, 1961

AFFIDAVIT

On Thursday, September 28, 1961, I was served with a summons from the United States Committee on Un-American Activities. Upon telephoning the Committee's Washington Office (Mr. Donald Appell) 11 A.M. Friday, September 29, 1961, I was informed that information was desired concerning the use of office space rented by my company to an organization called "Committee for Constitutional Rights" (or a name similar).

About a month ago, a former employee of Adtype Graphic, Inc., now an inactive company, approached me to use the office facilities which were then unoccupied. He described his needs as work in connection with an organization working for Civil Rights, and asked to rent the premises for approximately one month for the sum of $70.00. Since I had known this man for about two years as an employee, I agreed to let him rent the office.

Last Monday (September 25, 1961), he informed me that his organization was finished with the use of the office, and he gave me a check for the rent.

I had no other participation in the work his group did or tried to do, and was in no way connected with this effort other than as Lessor.

Morris Gleicher

Morris Gleicher
Sec'y-Treasurer, ADTYPE GRAPHIC, Inc.

Notarized by:

George Andrews

GEORGE ANDREWS
Notary Public, Wayne County, Mich.
My Commission Expires Aug. 9, 1962

SOLOMON EXHIBIT NO. 1(b)

CLASS OF SERVICE
This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION
TELEGRAM
W. P. MARSHALL, PRESIDENT
SF-1201 (4-60)

SYMBOLS
DL = Day Letter
NL = Night Letter
LT = International Letter Telegram

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

BUA009 DEA030
DE LLF082 PD DETROIT MICH 2 1125A EST
DONALD APPELL, UNITED STATES COMMITTE ON UNAMERICAN ACTIVITIES
226 OLD HOUSE OFC BLDG WASHDC
FORMER EMPLOYEE REFERRED TO AS LEASEE IN MY AFFIDAVIT OF SEPTEMBER
28TH IS MARK SOLOMON
MORRIS GLEICHER.

Mr. WALSH. You did notice I read to you before that the Michigan Committee of the National Assembly for Democratic Rights, 1306 Holden Avenue, Detroit 2, Mich., is the same premises as that which is specified in the telegram? That is the reason for the question.

Would you answer the question, please?

Mr. SOLOMON. Would you please restate the question? It is not clear to me.

Mr. WALSH. Did you pay Morris Gleicher $70 for the premises at 1306 Holden Avenue, period.

(The witness conferred with his counsel.)

Mr. SOLOMON. I decline to answer that under the first amendment.

Mr. WALSH. Would you kindly direct the witness to answer, sir?

The CHAIRMAN. Yes. You are directed to answer the question.

Mr. SOLOMON. I decline to answer that question on the basis of constitutional guarantees embraced by the first and fifth amendments.

The CHAIRMAN. I think the record should show the date of the telegram which is October 2, 1961, and the letter which is September 28, 1961.

Mr. WALSH. Who asked you to hire this room or building at 1306 Holden Avenue?

Mr. SOLOMON. I decline to answer that question. It is a violation of my rights of association under the first amendment of the Constitution.

Mr. WALSH. Under the first amendment?

I ask that you direct the witness to answer the question.

The CHAIRMAN. You are directed to answer the question.

Mr. SOLOMON. I decline to answer that question on the basis of the first and fifth amendments.

Mr. WALSH. Did you hire a bus to take your contingent from Detroit to New York to attend the rally at St. Nicholas Arena on the 23d and 24th of September for the National Assembly for Democratic Rights?

Mr. SOLOMON. I decline to answer that question on the basis of the guarantees embraced by the first amendment to the Constitution.

Mr. WALSH. May I have a direction once more, sir?

The CHAIRMAN. You are directed to answer the question.

Mr. SOLOMON. I decline to answer the question on the basis of the first and fifth amendments.

Mr. WALSH. Who of the National Assembly asked you to hire this building at 1306 Holden Avenue, Detroit?

Mr. SOLOMON. I decline to answer that question on the basis of the rights guaranteed me by the first amendment of the Constitution.

Mr. WALSH. May I have a direction once more, sir?

The CHAIRMAN. You are directed to answer the question.

Mr. SOLOMON. I decline to answer that question on the basis of the first and fifth amendments.

Mr. WALSH. How many individuals were employed by you at 1306 Holden Avenue when you were paying rent of $70 for those premises?

(The witness conferred with his counsel.)

Mr. SOLOMON. I decline to answer that question.

Mr. WALSH. Will you identify for the committee the individuals who worked for you to get individuals to attend the National Assembly for Democratic Rights in New York City?

Mr. SOLOMON. I decline to answer.

Mr. WALSH. Mr. Solomon, when you were a student at the Franklin K. Lane High School in New York City, were you the leader of the Young Progressives of America?

Mr. SOLOMON. I respectfully decline to answer that question.

Mr. WALSH. And that was comprised of the students in the Franklin K. Lane High School?

Mr. SOLOMON. I decline to answer that question.

Mr. WALSH. On what grounds?

Mr. SOLOMON. On the obvious grounds of violation of my rights guaranteed by the first amendment.

Mr. WALSH. How old were you when you attended Franklin K. Lane school?

Mr. SOLOMON. What is the pertinency of that question?

Mr. WALSH. I want to know how old you were when you were a member of the Communist Party for the first time.

Mr. SOLOMON. How does that question relate to the scope of the resolution of this committee? I am kind of lost at this point, sir. I cannot possibly see how my age is a factor in this investigation.

Mr. SCHERER. Since counsel raised the question, are you a member of the Communist Party, irrespective of age?

Mr. SOLOMON. Pardon me?

Mr. SCHERER. Are you a member of the Communist Party at this time?

Mr. SOLOMON. I decline to answer that question under the guarantees of the first amendment to the Constitution.

Mr. WALSH. Did you travel to New York to attend the meeting at the National Assembly for——

Mr. SOLOMON. I decline to answer.

Mr. WALSH. I am reading now from the National Guardian, October 2, 1961:

> At the final plenary session, Sunday afternoon [which was the 24th] regional panel reports were heard from the West Coast, co-chairmen Vivian Hallinan and Rose Chernin; Atlantic-Southern, Madelyn Murray and Jean Frantjis; Midwest, Richard Criley and Mark Solomon; * * *

I show you this and ask you whether or not it is a fact that you made the report for the Midwest to the panel.

(The document was handed to the witness.)

Mr. SOLOMON. I decline to answer that question on the basis of the first amendment.

(Document marked "Solomon Exhibit No. 2" and retained in committee files.)

Mr. WALSH. You were in the Army, were you not?

(The witness conferred with his counsel.)

Mr. SOLOMON. Would you please tell me how that question is pertinent to the purposes of this investigation?

Mr. WALSH. Well, we want to show to you or the committee while you were a member of the United States Army that you refused to sign a loyalty certificate and were given a discharge other than honorable. Is that a fact?

Mr. FAULKNER. Mr. Chairman, I think for the record that this statement here is not complete.

Mr. WALSH. I am asking him to complete it.

Mr. FAULKNER. I think, in fairness, you should have the complete record of the military service of someone, before you inject it into the record.

Mr. WALSH. I asked him as a matter of fact was he in the United States Army at any time.

Mr. FAULKNER. But you went on beyond that point.

Mr. WALSH. That is after he made the statement.

Were you active while in Michigan, and did you act as an educational director at the Michigan Labor Youth League?

Mr. SOLOMON. I decline to answer that question.

Mr. WALSH. I think that concludes the examination of this witness.

The CHAIRMAN. Are there any questions from members of the committee?

If not, the witness is excused.

Call your next witness.

Mr. WALSH. Harry Mayville.

The CHAIRMAN. Will you raise your right hand?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MAYVILLE. I do.

TESTIMONY OF HENRY HARRISON MAYVILLE, ACCOMPANIED BY COUNSEL, LAWRENCE SPEISER

Mr. WALSH. What is your full name, sir?

Mr. MAYVILLE. My full name is Henry Harrison Mayville, commonly known as Harry. On my employment record usually it appears as Henry.

Mr. WALSH. Do you have any other names that you have ever used?

Mr. MAYVILLE. That is all.

Mr. WALSH. Where do you live?

Mr. MAYVILLE. I live at 690 14th Avenue N.W., New Brighton, Minn.

Mr. WALSH. Would you identify yourself for the record, Mr. Counsel?

Mr. SPEISER. Lawrence Speiser.

(At this point Chairman Walter left the hearing room.)

Mr. WALSH. I show you Exhibit No. 1, copy of an article in the Worker of August 27, 1961. That article deals with the National Assembly for Democratic Rights and contains references to the Minnesota Committee for Upholding the Bill of Rights.

The article reports:

> This group is holding a local conference September 15 [1961] to "stimulate activity, to enlarge the committee and to organize as large a delegation as possible to attend the assembly." It is also planning to give the Minnesota delegation a large send-off, and is planning local meetings after the assembly to hear reports from delegates. Harry Mayville, of 690, 14th Avenue, N.W., New Brighton, Minn., is the spokesman for this group.

Is that correct, sir, and factual, what I have just read to you?

Mr. MAYVILLE. I refuse to answer that question because it invades my democratic rights as guaranteed under the first and the fifth amendments in which no one has the right to invade anyone's activity, whether he joins an organization or not, whether he furthers a cause or not, because the first amendment guarantees that right, and I refuse to become a part of anything that would emasculate my rights and the rights of the American people.

(Document marked "Mayville Exhibit No. 1" follows:)

MAYVILLE EXHIBIT No. 1

[The Worker, Aug. 27, 1961, p. 1]

More Notables Back Democratic Rights Assembly

ELMER A. BENSON, ex-governor of Minnesota, has added his name to the sponsors of the National Assembly for Democratic Rights. Other distinguished Americans who have joined the list of sponsors this past week are:

Dr. Royal W. France, leader of the National Lawyers Guild and prominent in the Religous Freedom Committee; Simon Federman, president of the American Federation of Polish Jews; Rabbis Morris J. Bloom of the Bronx and Abraham Krantz of Greensburg, Pa.; Reverend Clarence Parker of Chapel Hill, N. C., and Rudolph Carnap, Professor of Philosophy at the University of California at Los Angeles (UCLA).

The assembly will convene in New York's St. Nicholas Arena on Saturday and Sunday, Sept. 23 and 24. It will bring together people from all walks of life from every part of the U.S. to protest the Supreme Court McCarran and Smith Act decisions.

Rev. Parker, in a note to the assembly's office, characterized the assembly as "a truly great thing."

Fifteen thousand copies of a new call have been printed, and 6,000 of these have been mailed with the draft copy of an ad which will soon appear.

A delegation of youths visited the assembly's office at 118 East 28 St., and, after discussing the purpose of the event, promised to try to get prominent people in youth organizations to become sponsors.

Delegations from Northern and Southern California have informed the office that they are joining to charter a plane to attend the assembly.

Rev. William T. Baird, executive director of the Chicago Committee to Defend the Bill of Rights, has called a special session of the Committee's board for Sept. 13 to discuss ways and means of popularizing the Assembly. They have already mailed 5,000 copies of Justice Hugo L. Black's dissent on the McCarran and Smith Act decisions to prominent citizens.

The Minnesota Committee for Upholding the Bill of Rights has asked for 500 of the new calls for mailing.

This group is holding a local conference Sept. 15 to "stimulate activity, to enlarge the committee and to organize as large a delegation as possible to attend the assembly." It is also planning to give the Minesota delegation a large send-off, and is planning local meetings after the assembly to hear reports from delegates. Harry Mayville, of 690 14th Avenue N.W., New Brighton, Minn., is the spokesman for this group.

Mr. WALSH. Did anybody join with you when you were spokesman of this group, according to the article?

Mr. MAYVILLE. Again, I refuse to answer on the basis of the first and the fifth amendments.

Mr. WALSH. Will you tell the committee when and by what organizational method the Minnesota Committee for Upholding the Bill of Rights was created?

Mr. MAYVILLE. Would you tell me what the purpose of this is?

Mr. WALSH. Were you here yesterday?

Mr. MAYVILLE. I have been here all the way through.

Mr. WALSH. You heard the statement of the chairman?

Mr. MAYVILLE. Partially. My hearing was not too good, and the loudspeaker was not high enough whereby I heard all of it.

Mr. WALSH. Would you direct the witness to answer, Mr. Chairman?

Mr. TUCK (presiding). The Chair orders and directs you to answer the question asked by counsel.

Mr. MAYVILLE. What was that question again?

Mr. WALSH. Will you tell the committee when and by what organizational method was the Minnesota Committee for Upholding the Bill of Rights created?

Mr. MAYVILLE. Again, I refuse to answer that question under the first and the fifth amendments.

Mr. WALSH. By what method or when were you notified of the plans to convene the National Assembly for Democratic Rights in New York on September 23 and 24?

Mr. MAYVILLE. The same answer. I refuse to answer.

Mr. WALSH. Did you receive this information from the national level?

Mr. MAYVILLE. The same answer.

Mr. WALSH. The State level?

Mr. MAYVILLE. The same answer.

Mr. WALSH. Was this committee, the Minnesota Committee for Upholding the Bill of Rights, created prior to the time that you were requested to have organization work to get people to New York for the National Assembly for Democratic Rights?

Mr. MAYVILLE. The same answer, under the first and fifth amendments.

Mr. WALSH. Did this committee also promote campaigns of interest to the Communist Party in Minnesota?

Mr. MAYVILLE. I refuse to answer that question on my rights guaranteed under the first and fifth amendments.

Mr. WALSH. Did you have individuals associated with you in the Minnesota Committee for Upholding the Bill of Rights that you knew to be members of the Communist Party?

Mr. MAYVILLE. I refuse to answer that on the same grounds. I refuse to be a stool pigeon or an informer.

Mr. WALSH. Are you a member of the Communist Party at this time? Now?

Mr. MAYVILLE. I refuse to answer that question under the first and the fifth amendments.

Mr. WALSH. Have you ever run for an office in Minneapolis as a candidate for public office and publicly identified yourself with the Communist Party?

Mr. MAYVILLE. I refuse to answer that question on the same grounds.

Mr. WALSH. Have you ever attended, as a delegate from any place in this country, the Communist Party conventions?

Mr. MAYVILLE. I refuse to answer that question on the same grounds.

Mr. WALSH. I note that in Exhibit No. 1, the August article of the Worker, the Minnesota committee is referred to as the Minnesota Committee for Upholding the Bill of Rights, and in the September 17, 1961, issue (previously introduced as Brandt Exhibit No. 12, see opp. p. 239) as the Minnesota Committee to Defend the Bill of Rights.

Is there any distinction or differentiation in the personnel of these two committees?

Mr. MAYVILLE. I refuse to answer that on the same grounds as I have stated.

Mr. WALSH. Did you head these two committees?

Mr. MAYVILLE. The same answer.

Mr. WALSH. Will you tell the committee why you changed the words the "Committee for Upholding the Bill of Rights" to the "Committee to Defend the Bill of Rights"?

Mr. MAYVILLE. I refuse to answer that under the first and the fifth amendments.

Mr. WALSH. Is it a practice of the Communist Party to change names of organizations so that people will not identify them, for instance the Minnesota Committee for Upholding the Bill of Rights, and the other, the Minnesota Committee to Defend the Bill of Rights?

Mr. MAYVILLE. I refuse to answer that question on the same grounds.

Mr. WALSH. I have no further questions.

Mr. TUCK. Are there any questions? Mr. Bruce?

Mr. BRUCE. Just for a matter of record, the first witness that you counseled, you stated that you were in behalf of the American Civil Liberties Union. Is that the case in behalf of this witness?

Mr. SPEISER. Yes. It has been the case in each of the witnesses that I have represented.

Mr. WALSH. To make the record complete, you are here under a subpena served on you by this committee?

Mr. MAYVILLE. I am.

Mr. WALSH. Thank you, sir.

Mr. TUCK. The witness may stand aside.

Call the next witness.

Mr. NITTLE. Nellie DeSchaaf.

Mr. TUCK. Raise your right hand and be sworn.

Do you solemnly swear that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. DESCHAAF. I do.

TESTIMONY OF NELLIE DeSCHAAF, ACCOMPANIED BY COUNSEL, JOSEPH FORER

Mr. TUCK. Proceed, Counsel.

Mr. NITTLE. Will you state your full name, please?

Mrs. DESCHAAF. Nellie DeSchaaf.

Mr. NITTLE. I see you are represented by counsel. Will counsel identify himself for the record, please?

Mr. FORER. Joseph Forer, Washington, D.C.

Mr. NITTLE. What is your present residence?

Mrs. DESCHAAF. 9235 South Marshfield, Chicago, Ill.

Mr. NITTLE. You appeared before this committee on March 26, 1957, did you not?

(The witness conferred with her counsel.)

Mrs. DESCHAAF. Yes, I did.

Mr. NITTLE. In connection with an investigation of Communist propaganda in the Chicago, Ill., area?

Mrs. DeSchaaf, in response to the inquiry whether or not you were a member of the Communist Party at that time, you declined to answer that question on the grounds of the fifth amendment; is that right?

Mrs. DESCHAAF. I declined then and I decline now on the same grounds, sir, because I do not think that is relevant and that has nothing to do with the National Assembly.

Mr. SCHERER. Do you have any connection with the National Assembly?

(The witness conferred with her counsel.)

Mrs. DESCHAAF. I refuse to answer on the basis of the first and the fifth amendments, sir.

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer because the witness herself raised the issue by saying, in response to the question asked by counsel, that the question had nothing to do with the National Assembly.

Mr. TUCK. The Chair rules that the witness has waived the constitutional privilege and orders and directs that she answer the question.

(The witness conferred with her counsel.)

Mrs. DESCHAAF. Well, my counsel does not agree with you.

Mr. SCHERER. You are ordered and directed to answer the question.

Mrs. DESCHAAF. I still stand by his decision, and if he does not agree with you, that is good enough for me.

Mr. NITTLE. On what basis do you refuse to answer the question?

(The witness conferred with her counsel.)

Mrs. DESCHAAF. On the first and fifth amendments as I had stated before.

Mr. NITTLE. You are aware, Mrs. DeSchaaf, that we are inquiring into Communist involvement in the National Assembly for Democratic Rights?

(The witness conferred with her counsel.)

Mrs. DESCHAAF. Frankly, I am not very well aware of what you are inquiring into, sir.

Mr. NITTLE. Perhaps it will become clear as the questioning goes on.

Mrs. DESCHAAF. Okay.

Mr. NITTLE. Mrs. DeSchaaf, I hand you a copy of the Worker of September 17, 1961, and invite your attention to the continuation of the article on page 11, where there is listed the titles of committees which are supporting the National Assembly for Democratic Rights.

The article identifies the Chicago Committee of the National Assembly for Democratic Rights, naming you, Mrs. Nellie DeSchaaf, as secretary, with offices at 189 West Madison, Chicago, Ill.

(The document was handed to the witness.)

Mr. NITTLE. Are you the secretary of the Chicago Committee of the National Assembly for Democratic Rights?

Mrs. DESCHAAF. I refuse to answer on the basis of the same reasons that I had stated before.

(Document previously marked "Brandt Exhibit No. 12." See opp. p. 239.)

Mr. NITTLE. As a matter of fact, the office location, 189 West Madison Street, Chicago, is the same address as that of the Midwest Committee for Protection of Foreign Born and, likewise, the Chicago Committee to Defend the Bill of Rights; is that not correct?

(The witness conferred with her counsel.)

Mrs. DESCHAAF. I refuse to answer for the same reasons given before.

Mr. NITTLE. Now, I would like to ask you whether or not the quarters at 189 West Madison, Chicago, Ill., which appears to be the address of the three organizations which I have just named, is maintained by the Communist Party?

(The witness conferred with her counsel.)

Mrs. DESCHAAF. I refuse to answer for the same grounds that I have mentioned before.

Mr. NITTLE. Who appointed you secretary of the Chicago Committee of the National Assembly for Democratic Rights?

Mrs. DESCHAAF. I refuse to answer on the same grounds as before.

Mr. NITTLE. Did you receive instructions by functionaries of the Communist Party to assume that position?

(The witness conferred with her counsel.)

Mrs. DESCHAAF. I refuse to answer on the same grounds.

Mr. NITTLE. In addition to acting as secretary for the Chicago Committee of the National Assembly, did you also solicit support for the National Assembly for Democratic Rights under the letterhead of the Midwest Committee for Protection of Foreign Born, which operates from the same address?

Mrs. DESCHAAF. I refuse to answer on the same grounds, first and fifth amendments.

Mr. NITTLE. Were these three organizations which I have just named to you, in fact, organizations created by members of the Communist Party, and the membership of these three organizations identical in each instance?

Mrs. DESCHAAF. I refuse to answer on the same grounds.

Mr. NITTLE. Were these simply paper organizations, created by the Communist Party for the sole purpose of concealing the identity of Communist membership and activity and objectives?

(The witness conferred with her counsel.)

Mrs. DESCHAAF. I have no such information.

Mr. NITTLE. What information do you have with reference to these three organizations?

(The witness conferred with her counsel.)

Mrs. DESCHAAF. I refuse to answer on the same grounds.

Mr. SCHERER. I think, Mr. Chairman, that counsel who has been before this committee many times and who knows better, should refrain from telling the witness what to say.

He has a right to advise her of her constitutional rights. On three or four occasions now he has put the answer directly into the witness' mouth, because I heard him.

Mr. FORER. I don't think, Mr. Scherer, that (*a*) you can hear me and (*b*), if you are hearing me, it is inappropriate to intervene that way between attorney and client.

Mr. SCHERER. I cannot help but hear you. You have told her four different answers now, and the exact words that she used came out of your mouth. And they did not involve advice as to her constitutional rights.

Mr. FORER. I really do not think you should eavesdrop on conversations between the client and her attorney.

Mr. TUCK. Counsel should confine himself to the rules of the committee by advising his client as to her constitutional rights.

Mr. BRUCE. It is not eavesdropping when we sit here and cannot help but hear your answers given to her.

Mr. FORER. Who made the setup? I didn't make the setup.

Mr. BRUCE. It is quite obvious that you are giving her the advice.

Mr. FORER. She should have advice. She has been getting a lot of tricky questions and she should get advice.

Mr. NITTLE. Do you know Richard Criley?

Mrs. DESCHAAF. I refuse to answer on the same grounds as before.

Mr. NITTLE. Is he not secretary of the Chicago Committee to Defend the Bill of Rights, which occupies quarters in the same building in Chicago as the organization of which you are named the secretary?

Mrs. DESCHAAF. I did not understand that question. Could you rephrase that?

Mr. NITTLE. Is not Richard Criley the secretary of an organization which I have named as the Chicago Committee to Defend the Bill of Rights, which occupies quarters at the same address, 189 West Madison Street in Chicago, as that occupied by the organization of which you are named the secretary in the Worker?

Mrs. DESCHAAF. I refuse to answer on the same grounds as I gave before.

Mr. NITTLE. Could you tell us the names of the other officers who serve with you on this committee?

Mrs. DESCHAAF. I refuse to answer on the same grounds as I did before.

Mr. NITTLE. Was a Reverend William Baird, chairman of the Chicago Committee of the National Assembly for Democratic Rights?

Mrs. DESCHAAF. I stated my reasons before and they still hold true for this.

Mr. NITTLE. Are there any other organizations occupying the same address with your organization that have been formed as supporting organizations for the National Assembly for Democratic Rights?

(The witness conferred with her counsel.)

Mrs. DESCHAAF. I refuse to answer on the first and fifth amendments.

Mr. NITTLE. I show you a copy of a questionnaire containing the typed title "Chicago Youth Committee for National Assembly for

Democratic Rights," bearing the address 189 West Madison Street, Chicago.

I ask you if that organization operated out of the same room with your organization?

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Mrs. DeSchaaf. I refuse to answer for the same reasons given before.

(Document marked "DeSchaaf Exhibit No. 1" and retained in committee files.)

Mr. Nittle. Did the Communist Party organize the Chicago Youth Committee for National Assembly for Democratic Rights?

(The witness conferred with her counsel.)

Mrs. DeSchaaf. I have no such knowledge whatsoever, and I refuse to answer on the basis of the first and fifth amendments.

Mr. Forer. You have already answered.

Mr. Nittle. Did you attend the rally of the National Assembly for Democratic Rights held in New York September 23 and 24?

Mrs. DeSchaaf. I refuse to answer on the same grounds as before.

Mr. Nittle. That concludes the questioning, Mr. Chairman.

Mr. Tuck. Are there any questions from the committee? If not, the witness may stand aside.

Call the next witness.

Mr. Nittle. Richard Criley.

Mr. Tuck. Raise your right hand, please.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Criley. I swear.

TESTIMONY OF RICHARD L. CRILEY, ACCOMPANIED BY COUNSEL, JOSEPH FORER

Mr. Nittle. Will you state your full name, please?

Mr. Criley. Richard L. Criley.

Mr. Nittle. I note that you are represented by counsel.

Will counsel identify himself, please?

Mr. Forer. Joseph Forer.

Mr. Nittle. Will you state your residence, Mr. Criley?

Mr. Criley. 709 South Spaulding Street, Chicago, Ill.

Mr. Nittle. You are appearing here in response to a subpena which was served upon you; is that correct?

Mr. Criley. That is correct, and I would like to mention something a little unusual about the service of this subpena.

Mr. Nittle. Well, now, just a moment, please. Will you respond to the question? I haven't asked you anything about any peculiarity in the service.

Mr. Criley. I said I was served, and I would like to mention something about the service of this subpena, if I may. You asked me if I was served. I would like to amplify my answer.

Mr. Nittle. The chairman will rule upon your request.

Mr. Tuck. You must answer the questions propounded to you by counsel.

Mr. CRILEY. I did answer the question and I want to amplify the answer.

Mr. TUCK. Proceed, Counsel.

Mr. CRILEY. This subpena——

Mr. NITTLE. Mr. Criley, the chairman has ruled. You have responded. You acknowledged you were served with a subpena and you are appearing here today.

I might also state I think you are aware that if you have any statement that you desire to make a part of the record, the rules provide that you should submit same in due course.

Mr. CRILEY. I was not making a statement. I was trying to amplify my answer to your question.

Mr. NITTLE. Mr. Criley, are you the secretary of the Chicago Committee to Defend the Bill of Rights, which is listed in the Worker of September 17, 1961, as one of the supporting organizations of the National Assembly for Democratic Rights?

There is a further account in the Worker—first, would you answer that question?

Mr. CRILEY. Well, before I—or, as I refuse to answer this question, I want to state my reasons for not answering it.

Mr. NITTLE. Will you state your grounds briefly, please?

Mr. CRILEY. I am going to state them in my own way, if I may, please. I think it is my constitutional right to do so.

In the first place, I am not answering it for a very good, moral, and personal reason. It just happens that in my family, one of my forebears, by the name of Childs Corey, died in the witch hunt in Salem, Mass.

Mr. TUCK. We are not interested in that. I order and direct you to answer the question.

Mr. CRILEY. I am interested because of the tradition of having a profound love in the Bill of Rights happens to be a strong one.

Mr. NITTLE. Your grandparents——

Mr. CRILEY. They were not witches. I have a strong family background for presenting this. This is my first reason for not answering your question. If you will let me proceed, I will do so as quickly as possible.

Mr. TUCK. You are not permitted to proceed. You are directed to answer the question.

Mr. CRILEY. I want to give my legal reasons for not answering. I shall do so, if you will permit me.

Mr. TUCK. You don't have permission. Proceed, Counsel.

Mr. CRILEY. You say I do not have permission to give my legal reasons for not answering?

Mr. TUCK. You have already stated them.

Mr. CRILEY. I have not stated my legal reasons for not answering. I want to state them. Am I not being given the privilege of answering? Am I being denied to state my legal reasons for not answering?

Mr. TUCK. You can state your legal reasons, but we are not subjecting ourselves to a long stump speech.

Mr. CRILEY. I am not answering this question because I believe that there is not a legitimate legislative purpose for this hearing. I want to say that when my subpena was served by two members of the Chicago Red Squad by the names of John O'Brien and Joseph Ternes,

I asked them for the statement of the legislative purpose of this hearing.

This is rather important because, if this committee has a legitimate purpose, it is rather important that a witness, if there were a valid purpose to support, be enabled to prepare himself.

Furthermore, it is important in terms of the rights of the witness, because, as the Watkins decision has established, the witness must be given the legislative purpose of a hearing in order that he may be able to judge whether or not a question asked him is pertinent to the statement.

I have not seen the legislative purpose of this hearing, and I would like to have that statement at the present time so that I know what the legislative purpose of this hearing is supposed to be.

Mr. TUCK. The purpose of this investigation was amply stated in the record by the chairman yesterday morning.

Mr. CRILEY. I was in Chicago yesterday morning. I request a copy of the legislative purpose of this hearing.

Mr. TUCK. Your counsel has been provided with that and your counsel was in the courtroom.

Mr. CRILEY. Counsel did not give it to me, and I think it is the responsibility of the committee to provide it for me.

Mr. NITTLE. I hand you a copy.

Mr. CRILEY. I think it is pretty obvious I have not had a chance to read this legislative purpose. It is a lengthy document, running to about four or five—four pages, three and a half pages.

Mr. SCHERER. I move we have a recess for 5 minutes so that the witness can read the legislative purpose.

Mr. TUCK. Very well, the committee will stand in recess for 5 minutes.

(Whereupon, the committee took a brief recess.)

(Committee members present at the taking of the recess: Representatives Tuck, Scherer, Bruce, and Schadeberg.)

Mr. TUCK. The committee will please come to order.

Before proceeding any further, I would like the record to show that the committee took a 5-minute recess and handed the witness the statement of Chairman Walter in which the legislative purposes of these hearings are fully set forth.

I would like the record to further show that the witness has been on the front row of the hearing room all day and could have, if he wished, secured a copy of this statement earlier.

Also I would like the record to show that, on repeated occasions in earlier testimony of other witnesses, Chairman Walter and counsel have clearly stated the legislative purposes.

We will proceed.

Mr. CRILEY. Having read the statement of alleged legislative purposes, it confirms my view that it is not a legislative-matter statement in view of the fact that it is an attempt of the committee to——

Mr. TUCK. You were summoned here to answer the questions.

Do you have any questions to ask him, Counsel?

Mr. CRILEY. I have not finished my reasons for not answering the counsel's first question.

I will simply indicate that other refusals were based on the same reasons. So I think you will save time if you will let me give all my reasons at one time. Then I think we can proceed in an orderly

fashion. So I would like to continue to state my reasons for not answering this question.

Mr. NITTLE. Are you relying on certain constitutional provisions?

Mr. CRILEY. I am relying on what I believe to be my constitutional rights.

Mr. NITTLE. Will you state what provisions of the Constitution you rely upon? I think we will all understand that.

Mr. CRILEY. I want to make it clear. I don't think you do understand. I would like to clarify my reasons.

The committee from its statement is attempting to investigate areas of freedom of speech, freedom of assembly, and freedom to petition the Government, which are protected by the first amendment of the Constitution.

Mr. NITTLE. Are you reading from a prepared statement?

Mr. CRILEY. I am extemporizing, Mr. Counsel. Since counsel may not——

Mr. NITTLE. You are reading from a statement, are you not?

Mr. CRILEY. I am looking at your statement, Counsel.

If you will cease to interrupt me, I think we can get on with this thing in a more orderly way.

Since Congress may not investigate in areas where it may not legislate, I believe it does not have the right to ask the question that was asked me.

More than that, I am not answering the question because this committee, in its better than 20 years of existence, has never had a legitimate legislative purpose and I will be happy to document this if the committee would be interested in some documentation on this point.

Mr. NITTLE. We prefer not a biased authority in doing so.

Mr. CRILEY. I think the authority is an adequate authority.

Mr. NITTLE. We have had abundant documentation from Communist sources as to the alleged illegality of this committee. That documentation does not seem to come from legitimate sources.

Mr. CRILEY. Further than this, I believe that the question is also an infringement of my own personal rights under the first amendment.

I also believe that the committee is not a duly constituted committee in view of the fact that it has members on it coming from States that stand in noncompliance with the 14th and 15th amendments to the United States Constitution.

Mr. SCHERER. I ask for regular order and ask that the counsel be instructed to proceed with the next question.

Mr. CRILEY. I would like the record to show I have not finished giving my legal reasons.

Mr. TUCK. I have stated to the witness that we are not here to listen to his views and hear some speeches. You have been given an opportunity to give any legal or constitutional grounds as to why you are not answering the questions of the counsel.

I am requesting the counsel now to ask you the questions, and I am ordering and directing you to answer the questions he asked.

Mr. CRILEY. I am going to insist on my right to assert one further constitutional reason for not answering the question. That is my privilege under the fifth amendment, not to be a witness against myself, and I want that in the record.

Mr. TUCK. That is what you were leading up to all the time. Go ahead.

Mr. CRILEY. What I was leading up to is my business and I think I have the right to state my business the way I want to.

Mr. SCHERER. What is your occupation?

Mr. CRILEY. I don't see that my occupation has any relevance to the alleged legislative purpose of this hearing.

Mr. SCHERER. I ask you to direct the witness to answer the question.

Mr. TUCK. We are here to determine the relevance of the question. You are ordered and directed to answer the question.

Mr. CRILEY. Since I am ordered and directed to answer, I am going to refuse to answer for the reasons I have given, which I will be glad to restate for the benefit of the committee if you would like me to.

Mr. SCHERER. I do not see anything funny at all in this.

Mr. CRILEY. I do not, either. In fact, I am rather outraged by this hearing.

Mr. SCHERER. Supreme arrogance from a person of your apparent educational attainments.

Mr. TUCK. Proceed.

Mr. NITTLE. Are you, Mr. Criley, a member of the Communist Party?

Mr. CRILEY. I am going to refuse to answer that question for the same reasons that I have already refused to answer the previous questions.

Mr. NITTLE. Were you the executive secretary of the Young Communist League in California in the 1930's?

Mr. CRILEY. I fail to see how a question relating to something approximately 30 years ago is going to serve as a legislative guide to guide this committee to make laws in the year 1961 and 1962. I don't think the question has any pertinence to legislation.

Mr. TUCK. You are ordered and directed to answer the question.

Mr. CRILEY. I am refusing to answer the question for the reasons previously given.

Mr. NITTLE. Were you a delegate at the 16th National Convention of the United States Communist Party held in New York City in 1957?

Mr. CRILEY. I am going to refuse to answer that question for the reasons that I have previously cited.

Mr. NITTLE. Were you in 1944 expelled from Local 28 of the United Packinghouse Workers of America, CIO, because of your Communist record?

Mr. CRILEY. It is amazing what the counsel considers a relevant question. I do not consider it relevant to any legislation and I am not answering it.

Mr. TUCK. You are ordered and directed to answer the question.

Mr. CRILEY. I will refuse to answer that question because it is not pertinent to any possible legislative purpose and for the other reasons that I have previously given.

Mr. NITTLE. Mr. Criley, you have been identified as a member of the Communist Party in sworn testimony before this committee.

Lee Lundgren identified you as such before this committee on September 2, 1952; Lou Rosser on December 1, 1953; Anzelm A. Czarnowski on December 4, 1956; and Carl Nelson on May 5, 1959.

Do you wish to affirm or deny that testimony at this time?

Mr. CRILEY. I have no wish to either affirm or deny these allegations of the paid informers of this committee.

Mr. SCHERER. Are the allegations as just read to you, true?

I ask you to direct the witness to answer the question.

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. CRILEY. I am not answering the question for the reasons I have previously given for not answering similar questions.

Mr. NITTLE. I hand you a letterhead of the Chicago Committee to Defend the Bill of Rights, dated February 22, 1961, in which appears thereon, "Secretary Richard L. Criley."

Is the information contained on that letterhead correct?

(The document was handed to the witness.)

Mr. CRILEY. I fail to see that this information has any relevance to the legislative purpose of this committee and I am not answering the question.

(Document marked "Criley Exhibit No. 1" and retained in committee files.)

Mr. TUCK. You are ordered and directed to answer the question.

Mr. CRILEY. I am not answering it for the reasons I previously cited.

Mr. NITTLE. I hand you a copy and I refer you again to the Worker, issue of September 17, 1961, a continuation on page 11 thereof, in which it appears that the Chicago Committee to Defend the Bill of Rights is handling all arrangements for the Assembly in the Midwest area. Is that statement correct?

Mr. CRILEY. In view of previous testimony that has been made here this afternoon, it is fairly obvious that the statement is probably not correct, but I am not answering the question for reasons previously given.

(Document previously marked "Brandt Exhibit No. 12." See opp. p. 239.)

Mr. NITTLE. Mr. Chairman, I think he should be instructed to answer the question. He has stated that the information was not correct, but he will not answer the question. I think now he should be required to answer that.

Mr. TUCK. The witness waives his privilege of immunity under the Constitution. I order him to answer the question.

Mr. CRILEY. I made a comment on testimony that was made here before the committee and I see that this in no way waives my constitutional privilege and I am standing on my constitutional privilege.

Mr. NITTLE. Is that statement correct or not?

Mr. CRILEY. Which statement?

Mr. NITTLE. Which I just read, appearing in the Worker, to the effect that the Chicago Committee to Defend the Bill of Rights is handling all arrangements for the National Assembly in the Midwest area.

Mr. CRILEY. As I have already stated, I am refusing to answer that question for the reasons that I have previously given. That is the second time you have asked it.

Mr. NITTLE. Did you, as secretary of the Chicago Committee to Defend the Bill of Rights, receive instructions from the Communist Party with reference to the activities you were to engage in, in support of the National Assembly for Democratic Rights?

Mr. CRILEY. Since I left the Armed Forces of the United States Army in World War II, to the best of my recollection I have not received instructions from anybody.

Mr. NITTLE. Did you receive instructions from persons known to you to be members of the Communist Party?

Mr. CRILEY. I will give you the same answer I gave the last time. You are repeating the same question in a different form.

Mr. NITTLE. Did you advise or consult with members of the Communist Party?

Mr. CRILEY. I think this question is a clear infringement of my right of freedom of speech and I am refusing to answer that for the same reasons that I have given in refusing to answer all previous questions.

Mr. NITTLE. Do you know Nellie DeSchaaf?

Mr. CRILEY. I am going to refuse to answer that question for the reasons I have previously given.

Mr. NITTLE. Does the Chicago Committee to Defend the Bill of Rights maintain offices at 189 West Madison Street, Chicago, Ill.?

(The witness conferred with his counsel.)

Mr. CRILEY. I am refusing to answer that question for all of the reasons that I have previously given you.

Mr. NITTLE. Do you know Nellie DeSchaaf as a member of the Communist Party?

Mr. CRILEY. You are asking me again a question more or less the same as I refused to answer before. I refuse to answer again for the same reasons I gave previously.

Mr. NITTLE. Did you participate in the organization of the Chicago Committee of the National Assembly for Democratic Rights, which maintains its offices at 189 West Madison Street, Chicago, Ill.?

Mr. CRILEY. I am refusing to answer that question for the same reasons that I am refusing to answer all the rest of the questions. I think every question is a clear infringement of first-amendment rights.

Mr. NITTLE. Mr. Chairman, I request you direct the witness to answer that question.

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. CRILEY. I think this question is a clear violation of first-amendment rights and I am refusing to answer on those grounds and all the reasons previously given in refusing to answer your previous questions.

Mr. NITTLE. To your knowledge, Mr. Criley, is it not a fact that, in the effort to support the National Assembly for Democratic Rights, there were four committees employed in the Chicago area to assist; namely, the Chicago office of the National Assembly for Democratic Rights, the Midwest Committee for Protection of Foreign Born, the Chicago Committee of the National Assembly for Democratic Rights, and the Chicago Committee to Defend the Bill of Rights, all having their address at 189 West Madison Street, Chicago?

(The witness conferred with his counsel.)

Mr. FORER. Do you want to read that question, please?

Mr. TUCK. Read the question.

(The question was read by the reporter.)

Mr. FORER. It is an awfully compound sentence. Is he answering the question by address, creation, or purpose? Would you mind reframing that question?

Mr. CRILEY. Does the question say the Midwest section for the Protection of Foreign Born is created for the assisting of the National Assembly?

It is involved. I am afraid I got lost in it again.

Mr. NITTLE. Let us frame it this way: Has the Chicago office of the National Assembly for Democratic Rights engaged in activity in support of the National Assembly for Democratic Rights?

(The witness conferred with his counsel.)

Mr. CRILEY. I am refusing to answer that question for all the reasons previously given.

Mr. NITTLE. Has the Midwest Committee for Protection of Foreign Born assisted in the National Assembly for Democratic Rights?

Mr. CRILEY. I think the whole line of questioning more and more clearly impinges on the first amendment, the perfect right of any organization in American life to participate in any assembly it wants to. I am refusing to answer that question because it is an invasion of the first amendment.

Mr. NITTLE. I ask that the witness be directed to answer the question.

Mr. TUCK. You are ordered to answer the question.

Mr. CRILEY. I am refusing to answer it for the reason I have just given and for all the reasons I have given in refusing to answer all the rest of the questions.

Mr. NITTLE. Has the Chicago Committee of the National Assembly for Democratic Rights assisted in the work of the National Assembly for Democratic Rights?

Mr. CRILEY. Again I think this is another violation of the first amendment and I am refusing to answer it.

Mr. TUCK. You are ordered and directed to answer the question.

Mr. CRILEY. I am refusing to answer it for all the reasons I have previously given, which I will gladly repeat if the record is not clear.

Mr. NITTLE. Was the Chicago Committee to Defend the Bill of Rights expressly created for the purpose of assisting in the objectives of the National Assembly for Democratic Rights?

Mr. CRILEY. I am going to again refuse for the same reasons I have given for the previous series of questions.

Mr. NITTLE. To your knowledge, did these four organizations all maintain their address at Room 406, 189 West Madison Street, Chicago?

(The witness conferred with his counsel.)

Mr. CRILEY. I have no such intimate knowledge, I don't know.

Mr. NITTLE. Have you ever visited the premises of Room 406, 189 West Madison Street, Chicago, and conferred with any officer or member of those four organizations?

Mr. CRILEY. I think the question as to whether I visited a room in an office building is very remote from any possible legislative purpose. I am refusing to answer that question and, to save time, I will add that I will refuse for the same reasons that I have been giving earlier in relation to all other questions.

Mr. NITTLE. Do you know the officers of the Midwest Committee for Protection of Foreign Born?

Mr. CRILEY. Again, this question is one that totally lacks any legislative pertinence, whether I know the officers of the Midwest Committee or not, and I am not answering the question.

Mr. BRUCE. Mr. Chairman, I ask that he be directed to answer that question.

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. CRILEY. I am not answering the question because it has absolutely no legislative pertinence, whether I know the officers of the Midwest Committee for Protection of Foreign Born, and I am not answering it for the reasons I have already given in relation to all the other questions I have been asked.

Mr. NITTLE. Do you know the officers of the Chicago Committee of the National Assembly for Democratic Rights?

Mr. CRILEY. Again I think it is a question without legislative pertinence, and I am not answering it.

Mr. TUCK. You are ordered and directed to answer the question.

Mr. CRILEY. I am not answering it for that reason and all the other reasons I have previously given.

Mr. NITTLE. Do you know the officers, if any, of the Chicago Youth Committee for National Assembly for Democratic Rights?

(The witness conferred with his counsel.)

Mr. CRILEY. I am not going to answer that question for the same reasons that I am not answering the other questions you have been asking me along the same general track.

Mr. NITTLE. Have these organizations been created by the Communist Party?

(The witness conferred with his counsel.)

Mr. CRILEY. I don't know.

Mr. NITTLE. Have you discussed with members of the National Committee of the Communist Party the functioning or creation of these organizations?

Mr. CRILEY. No.

Mr. NITTLE. Have you discussed this matter with Communists in the Chicago area?

Mr. CRILEY. Now we are getting into some very tricky questions. I talk to all kinds of people and I don't ask them their political beliefs and I think it has no legislative pertinence whatsoever and I am refusing to answer the question.

Mr. BRUCE. I ask that the witness be ordered and directed to answer the question.

Mr. TUCK. You are ordered and directed to answer the question.

Mr. CRILEY. And I am refusing for the ground I just stated and for all the other grounds I previously gave.

Mr. NITTLE. Mr. Criley, this organization, titled the Chicago Committee to Defend the Bill of Rights, is the immediate successor, is it not, of the Chicago Committee to Defend Democratic Rights?

Mr. CRILEY. I don't think that the organization of the committees that exist in private life has any legislative relevance or is the business of this committee, and I am not answering the question.

Mr. NITTLE. I ask that the witness be directed to answer the question.

Mr. TUCK. You are ordered and directed to answer the question.

Mr. CRILEY. I am not answering it for the reasons I just gave you and for all the other reasons I have given you this afternoon.

Mr. NITTLE. Were you not the secretary of the Chicago Committee to Defend Democratic Rights, which is the predecessor of the Chicago Committee to Defend the Bill of Rights?

Mr. CRILEY. I am not answering that question for the reasons that I have been giving for not answering all the other questions.

Mr. NITTLE. Is it correct to state——

Mr. CRILEY. May I also state that that question is singularly without any legislative purpose.

Mr. NITTLE. I ask that the witness be directed to answer the question.

Mr. CRILEY. I refuse to answer for all the reasons which I will gladly restate if the counsel is in doubt as to my reasons for not answering his questions.

Mr. NITTLE. Is it correct to say that the Chicago Committee to Defend Democratic Rights was formed in June 1958, as a merger of the Joint Defense Committee to Defeat the Smith Act and other groups?

Mr. FORER. Is that the end of the question?

Mr. NITTLE. Yes.

(The witness conferred with his counsel.)

Mr. CRILEY. Again, I would like to state that these questions again strike me as being singularly without legislative purpose and if the counsel seemingly has these documents and all this information, it is a rather flagrant violation, a rather waste of public money to bring them all the way from Chicago to be asked these questions.

I am not answering it for the reasons I have previously given.

Mr. NITTLE. Now, what caused the disbandment of the Chicago Committee to Defend Democratic Rights?

Mr. CRILEY. I don't think it is any of the committee's business.

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. CRILEY. I don't think it is any of the committee's business and I am not answering it for that reason and for all the reasons I have previously given.

Mr. NITTLE. As secretary of the Chicago Committee to Defend the Bill of Rights, were you ordered by the Communist Party to proceed to Washington, D.C., in January of this year to lobby against appropriations for this committee?

Mr. CRILEY. I think I stated once before that I have not been ordered or instructed by anybody that I can recollect since I left the United States Army in World War II.

Mr. NITTLE. Did you consult with persons known to you to be Communists prior to coming to Washington in January of this year for the purpose mentioned?

Mr. CRILEY. Who I consult with is my private business. It is my right guaranteed me by the first amendment. It has no legislative purpose and I am not answering the question.

Mr. NITTLE. I ask that the witness be directed to answer the question.

Mr. TUCK. You are ordered and directed to answer the question.

Mr. CRILEY. I am not answering the question for the reasons I just gave you and for all the other reasons I have given.

Mr. NITTLE. Did you, in fact, travel to Washington, D.C., and reside in the Carroll Arms Hotel from January 2 to January 6 of this year?

Mr. CRILEY. I can see no legislative purpose whatsoever as to what hotel I might have allegedly stayed in, in Washington, in January 1959.

May it further be stated that these questions seem to be directed to a right to petition the Government for redress of grievances and these questions are becoming more and more flagrantly violative of the first-amendment rights of citizens.

Mr. BRUCE. I ask that he be directed to answer the question.

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. CRILEY. I am not answering it for the reasons I have just given you and for all the other reasons I have given for not answering the rest of the questions.

Mr. NITTLE. While here in Washington on January 2 through 6, did you during that time consult with a Burton White of the Bay Area Student Committee for the Abolition of the House Committee on Un-American Activities?

Mr. CRILEY. There is a singular interest in finding out, apparently, activities that are directed against the existence of this committee which are protected constitutionally by this amendment and this question is without any legislative purpose and I am not answering it.

Mr. NITTLE. May I explain to you briefly what the legislative purpose is—and I think that was clearly set out in the statement of the chairman—that we are inquiring into Communist conspiratorial techniques and propaganda used in promoting the objectives of the Communist Party of the United States, with special reference to the utilization of organizations under concealed control of the Communist Party, in opposition to laws enacted by Congress which are designed to strengthen and protect the security of the United States.

Mr. CRILEY. It seems to me——

Mr. NITTLE. This committee has that function.

Mr. CRILEY. —coming to Washington, as the allegation is, for the purpose of talking to Congressmen is hardly in the definition of conspiracy which the committee alleges is its purpose for these hearings. So I think that question has no legislative purpose and I am not answering it.

Mr. NITTLE. Is Burton White a Congressman?

(The witness conferred with his counsel.)

Mr. CRILEY. Not to my knowledge, he is not a Congressman. He probably would make a good one if he were.

Mr. NITTLE. Is Burton White known to you to be a member of the Communist Party?

Mr. CRILEY. I am not answering the question. Again it is an infringement in areas of freedom of speech, freedom of thought, freedom of assembly, and I am not answering it for that reason and for the other reasons I have previously given.

Mr. NITTLE. Did you also, here in Washington, talk to Frank Wilkinson at that time?

Mr. CRILEY. It seems to me the whole line of questioning is becoming more and more absurd. It serves no legislative purpose. A man has the right to talk to anyone he wants to in this country.

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. CRILEY. I am not answering it for the reasons I have just given you and for all the other reasons.

Mr. NITTLE. Frank Wilkinson is not a Member of Congress.

Mr. CRILEY. I think I have a right to talk to people who are not Members of Congress as well as to Congressmen.

Mr. NITTLE. Is Frank Wilkinson known to you to be a member of the Communist Party?

Mr. CRILEY. I am going to refuse to answer that question. It is a further infringement on the first-amendment rights and for all the other reasons I have previously given.

Mr. NITTLE. Now, Edna Kaufman, who was on the stand here a short while ago—with reference to her, did you also speak to Edna Kaufman in Washington during the week of January of this year?

Mr. CRILEY. Again, this is a question with singular lack of legislative pertinency—to whom I talked if I came to Washington. I am not answering the question.

Mr. NITTLE. I ask that he be directed to answer the question.

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. CRILEY. I am not answering it for the reasons I just gave you and for all the other reasons I have given you.

Mr. NITTLE. Mr. Criley, I hand you a copy of the Worker for September 24, 1961, and invite your attention to page 10 thereof where there appears:

> Heading up the midwest contingent [to the National Assembly for Democratic Rights in New York] will be Richard Criley, Secretary of the Chicago Committee to Defend the Bill of Rights.

(The document was handed to the witness.)

Mr. NITTLE. Is that an accurate report of what, in fact, occurred?

(The witness conferred with his counsel.)

Mr. CRILEY. I just am not answering that question because I don't think it is any of the committee's business whether I did or did not head the delegation to New York.

(Document marked "Criley Exhibit No. 2" and retained in committee files.)

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. CRILEY. I am not answering it for the reason I just gave you and for all the other reasons I previously have given.

This does not happen to be the Worker, page 10. It happens to be a poor facsimile thereof. I can't read it.

Mr. NITTLE. Perhaps your counsel can.

Mr. FORER. He is not going to answer the question either way, so what difference does it make?

Mr. NITTLE. Did you, in fact, Mr. Criley, attend the National Assembly for Democratic Rights in New York City on September 23 and 24 of this year?

Mr. CRILEY. I think the first amendment gives me the right, as a citizen, to attend any assembly I want to attend and I think the question has no legislative pertinence and I am not answering.

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. CRILEY. I am not answering it for the reason I just gave you and for all the other previous reasons given.

Mr. NITTLE. Did you not, at that assembly, engage in panel discussions as a representative of the Midwest group?

Mr. CRILEY. I think this question is a direct infringement on the right of freedom of speech guaranteed by the first amendment to which your legislative purpose refers, but which this committee hearing seemingly departs from, and I am not answering the question.

Mr. NITTLE. I respectfully request, Mr. Chairman, that he be instructed to answer the question.

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. CRILEY. I am refusing to answer the question for the reason I just gave you and all the other previous reasons.

Mr. NITTLE. After the panel discussions, did you not, in fact, make a report of the group discussion to the entire assembly?

Mr. CRILEY. Once again this is an infringement of rights guaranteed under the first amendment, namely, freedom of speech in this case, and I am not answering the question.

Mr. NITTLE. I request that he be instructed to answer the question.

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. CRILEY. I am not answering the question. It is a violation of my freedom of speech and all the other reasons previously given you.

Mr. NITTLE. I show you the National Guardian, issue of October 2, 1961, page 2 thereof, in which an article entitled "Report to Readers" is carried as follows:

> At the final plenary session Sunday afternoon, regional panel reports were heard from the West Coast, co-chairmen Vivian Hallinan and Rose Chernin; Atlantic-Southern, Madelyn Murray and Jean Frantjis; Midwest, Richard Criley and Mark Solomon; New England, Irma Otto; and New York, Rev. Lee Ball and Sam Pevsner.

Is that a correct report of what actually occurred at the National Assembly?

Mr. CRILEY. The singular interest of this committee, in discussions apparently of opinions that are contrary to opinions of members of this committee, does not amount to legislative purpose and the question has no legislative purpose and I am not answering.

(Document previously marked "Solomon Exhibit No. 2," retained in committee files.)

Mr. SCHERER. No, Witness, we are just trying to show, and I think we have shown, the meetings in New York were nothing but a meeting of the Communist Party under the direction of the National Committee of the Communist Party masquerading under the name of the National Assembly for Democratic Rights.

Mr. CRILEY. Mr. Birch—I mean, Mr. Scherer, I don't think that has been shown.

Mr. NITTLE. I have just one more question. Mr. Criley, a manifesto was issued by the 81 Communist Parties in the world movement, at Moscow in November and December of last year. In that manifesto all anti-Communist activities were referred to as "witch hunting."[1]

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[1] "Anti-communism * * * carries on a witchhunt * * *." Statement by 81 Marxist-Leninist Parties, Moscow, December 5, 1960, as published in Political Affairs, January 1961.

When you referred to this committee as "witch hunting," were you adpoting Communist doctrine and instructions as laid down in the manifesto?

(The witness conferred with his counsel.)

Mr. CRILEY. I am not exactly clear as to what the question entails, nor am I clear as to whether or not the alleged statement of fact by counsel is any kind of statement of fact.

You are interested in knowing where I got the expression "witch hunting" and where it came from.

I told you it came from the Salem witch hunts, which is rather close to my family for the reasons I told you. I believe this considerably preceded the reference you have made since my ancestor was executed in the year 1692.

Mr. TUCK. Any further questions?

Mr. NITTLE. That is all.

Mr. TUCK. The witness may stand aside.

This concludes the testimony in the open hearing for this afternoon.

The committee will recess and reconvene in 5 minutes in executive session in the Merchant Marine and Fisheries Hearing Room.

(Whereupon, at 4 p.m., Tuesday, October 3, 1961, the committee recessed, to reconvene in executive session the same day.)

EXECUTIVE SESSION [1]

TUESDAY, OCTOBER 3, 1961, 4:05 P.M.

The subcommittee of the Committee on Un-American Activities reconvened at 4:05 p.m. in the Merchant Marine and Fisheries Committee Hearing Room, Old House Office Building, Hon. William M. Tuck, presiding.

Subcommittee members present: Representatives William M. Tuck, of Virginia, and Gordon H. Scherer, of Ohio.

Other committee members present: Donald C. Bruce, of Indiana, and Henry C. Schadeberg, of Wisconsin.

Staff members present: Frank S. Tavenner, Jr., director; John C. Walsh, co-counsel; and Donald T. Appell, investigator.

Mr. TUCK. The committee will please come to order.

(Members present at time of convening: Representatives Tuck, Bruce, and Schadeberg.)

Mr. WALSH. Will you swear the witness in, Mr. Chairman?

Mr. TUCK. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NELSON. I do.

TESTIMONY OF MALCOLM C. NELSON, ACCOMPANIED BY COUNSEL, LAWRENCE SPEISER

Mr. WALSH. Will you state your name?

Mr. NELSON. Malcolm C. Nelson.

Mr. WALSH. Where do you live?

Mr. NELSON. 516 North Plankinton [Milwaukee, Wisconsin].

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[1] Released by the committee and ordered to be printed.

Mr. WALSH. You are here pursuant to a subpena served by this committee?

Mr. NELSON. Yes, sir.

Mr. WALSH. What is your occupation?

Mr. NELSON. Photographer.

Mr. WALSH. How long have you been a photographer?

Mr. NELSON. Eleven years.

Mr. WALSH. Where is your office?

Mr. NELSON. 516 North Plankinton.

Mr. WALSH. Do you go under a trade name or do you use your own name?

Mr. NELSON. Metro-Flash Photographers.

Mr. WALSH. What is the address of Metro-Flash?

Mr. TUCK. Counsel, I notice the witness is represented by counsel.

Mr. SPEISER. I am Lawrence Speiser, attorney with the American Civil Liberties Union.

Mr. WALSH. Did you answer the question where Metro-Flash was located?

Mr. NELSON. 516 North Plankinton.

Mr. WALSH. Does it have any address other than what you have just stated?

Mr. NELSON. No, sir.

Mr. WALSH. Do you maintain a post office box, 433, in Milwaukee, Wisconsin?

Mr. NELSON. Yes, sir.

Mr. WALSH. Under whose name is it?

Mr. NELSON. That is under Metro-Flash, too.

Mr. WALSH. But you own the Metro-Flash.

Mr. NELSON. Yes.

Mr. WALSH. Solely?

Mr. NELSON. Yes, sir.

Mr. WALSH. Are there any partners with you?

Mr. NELSON. No, sir.

Mr. WALSH. You pay for this post office box number 433 in Milwaukee?

Mr. NELSON. Yes, I use that as a business—well, the mail goes there rather than my mailing address.

Mr. WALSH. Now, I show you the Worker of September 17, 1961. Look at that on page 11.

Mr. NELSON. That is the address of my post office box.

Mr. WALSH. Will you read it for the record?

Mr. NELSON. Wisconsin Committee for Constitutional Freedom, P.O. box 433, Milwaukee, Wis.

Mr. WALSH. Were you the chairman of the committee?

Mr. NELSON. No, sir.

Mr. WALSH. Did you authorize the use of your name and also the post office box 433 in Milwaukee as the headquarters for a committee as specified in this exhibit? (Document previously marked "Brandt Exhibit No. 12." See opp. p. 239.)

Mr. SPEISER. Excuse me, Counsel, I recognize the rules, but I do not believe there has been any indication that he has authorized the use of his name.

Mr. WALSH. I withdraw that question.

Did you authorize the Wisconsin Committee for Constitutional Freedom to use P.O. box 433, Milwaukee, Wis., which appears in the Sunday Worker, September 17, 1961, at page 11?

Mr. NELSON. Very specifically I never allowed or specified anybody in the Wisconsin Committee for Constitutional Freedom to use my box number for any mention or publicity whatsoever.

Mr. SCHERER. You said you did not authorize this committee to use it for publicity. Did you authorize them to use it for any purpose?

Mr. NELSON. I did let them use it for a mailing one time.

Mr. SCHERER. How long ago was that?

Mr. NELSON. I am not sure, but I would say 7 months. But this is approximate.

Mr. SCHERER. For what kind of mailing?

Mr. NELSON. It was not mailing either. It was distribution of a leaflet. They wanted a post office box—I mean address. I said, "Well, use my box" because I was not using it much.

Mr. WALSH. To whom did you give permission to use P.O. box 433?

Mr. NELSON. On this one specific occasion I gave this to, for this specific purpose that I mentioned, I gave this to John Bjorklund.

Mr. WALSH. Who is John A. Bjorklund?

Mr. NELSON. He is connected with the Wisconsin Committee for Constitutional Freedom.

Mr. WALSH. Is he connected with any other group of individuals you know of?

Mr. NELSON. The Unitarian Church. He belongs to the Democratic Party. I do not know if he is any more, but he used to belong to the ACLU.

Mr. SCHERER. Do we have any information on Bjorklund, Counsel?

Mr. WALSH. Yes, sir. May I continue with that in a few moments, sir?

Mr. SCHERER. All right.

Mr. WALSH. What is the leaflet for which you allowed Mr. Bjorklund to use your post office box 433?

Mr. NELSON. It was a speech by James Roosevelt, Representative James Roosevelt.

Mr. WALSH. When was that?

Mr. NELSON. As I said, I do not remember the exact date, but it is 7 or 8 months ago, I believe.

Mr. WALSH. Are you a member of this committee, Wisconsin Committee for Constitutional Freedom?

Mr. NELSON. No, sir.

Mr. WALSH. When is the first time you ever heard that your post office box 433 was used by the Wisconsin Committee for Constitutional Freedom?

Mr. NELSON. Today.

Mr. WALSH. You never heard it prior hereto?

Mr. NELSON. I mean I get material from this leaflet distribution, that people send things to this address, you know. But that was from that one——

Mr. WALSH. In other words, you still are getting leaflets in from the throw-away you used 7 months ago?

Mr. NELSON. Yes.

Mr. SPEISER. Again I would like to distinguish that your question is phrased "you used 7 months ago."

Mr. WALSH. Mr. Bjorklund used it.

And how did he use that throw-away pamphlet?

Mr. NELSON. Well, he distributes it as well as he could, I suppose. He passed it out to meetings.

Mr. WALSH. Where did he pass it out, if you know?

Mr. NELSON. Factory gates in the city of Milwaukee.

Mr. WALSH. Now, when you take photographs of individuals, will you describe to the committee what you mean by photographer? Are you a roving photographer?

Mr. NELSON. Well, my main occupation, my main money income as a photographer is street photography, where I take pictures of the people on the streets of Milwaukee and hand them a card, and they mail them in and they get the pictures back.

Mr. WALSH. When you send the pictures of the individuals on the street that you take, do you also insert other material in the envelope in which you send the picture?

Mr. NELSON. Well, I might have.

Mr. WALSH. What type of literature might you have put in?

Mr. NELSON. I can't remember because I tried, as I remember I did this quite a while ago, it must have been over, almost 2 years ago that I placed—I had it laying in the office, and I just threw it in the envelopes.

Mr. WALSH. Was it the People's World that you put in—Communist literature?

Mr. NELSON. I can't remember People's World, but it might have been.

Mr. WALSH. How about Political Affairs?

Mr. NELSON. Well, I can't remember.

Mr. WALSH. I show you a photostatic copy of a check marked "Nelson Exhibit No. 1," dated January 31, 1958, and ask you whether or not that is your check to the People's World?

Mr. NELSON. Yes, sir.

Mr. WALSH. What do the initials at the end mean, "MC"?

Mr. NELSON. I think that is the bank notation.

Mr. WALSH. After your signature?

Mr. SPEISER. It looks as if it is a different handwriting.

Mr. WALSH. And this is in the amount of $2.50 to People's World. Was that for subscription?

Mr. NELSON. Subscription to the newspaper, I guess.

Mr. WALSH. Is it?

Mr. NELSON. Yes.

(Document marked "Nelson Exhibit No. 1" and retained in committee files.)

Mr. WALSH. Did you ever purchase any material from the New Century Publishers?

Mr. NELSON. Yes.

Mr. WALSH. What did you purchase from the New Century Publishers?

Mr. NELSON. A number of pamphlets.

Mr. WALSH. What types of pamphlets?

Mr. NELSON. The names of the pamphlets?

Mr. WALSH. Were they Communist pamphlets or pamphlets put out by the Communist Party of the U.S.?

Mr. NELSON. Presumably from reading them, you would gather that.

Mr. WALSH. Then your answer is "Yes."

Mr. NELSON. Yes.

Mr. WALSH. Why did you put the People's World and the Communist literature in the envelopes which you sent out to the individuals who hired you to take their picture only?

Mr. NELSON. Well, it was a sort of experiment to see what kind of response I would get, but it was not specifically to distribute the People's World. I was putting all kinds of material I had.

Mr. WALSH. Did anybody ask you to do this on behalf of the Communist Party?

Mr. NELSON. No.

Mr. WALSH. This was your own thought?

Mr. NELSON. Yes, sir.

Mr. WALSH. You said that you were not a member of the Wisconsin Committee for Constitutional Freedom.

Mr. NELSON. No, sir.

Mr. WALSH. Did you appear in New York with that committee at the rally on the 23d and 24th of September?

Mr. NELSON. No.

Mr. WALSH. Did you ever make application for a United States passport?

Mr. NELSON. Yes, sir.

Mr. WALSH. When?

Mr. NELSON. In 1956, 1957. 1956, I think.

Mr. WALSH. Did you get any passport?

Mr. NELSON. Yes, sir.

Mr. WALSH. Where did you travel on that passport, to what countries?

Mr. NELSON. I traveled through Europe. I traveled in Spain, I started in France, Spain, then to Morocco, then to Italy, then to England, then back to France through Germany, through Czechoslovakia to Poland, to Denmark, and back to England.

Mr. WALSH. Did you ever attend the World Youth Festival in Moscow?

Mr. NELSON. No, sir.

Mr. WALSH. Did you ever attend the World Youth Festival in Poland?

Mr. NELSON. No, sir.

Mr. WALSH. Czechoslovakia?

Mr. NELSON. No, sir.

Mr. WALSH. Did you ever attend a World Youth Festival any place?

Mr. NELSON. No, sir.

Mr. WALSH. Have you ever traveled to Cuba?

Mr. NELSON. Yes, sir.

Mr. WALSH. When?

Mr. NELSON. In December of last year.

Mr. WALSH. Who asked you to go to Cuba with them?

Mr. NELSON. No one.

Mr. WALSH. Did you go alone?

Mr. NELSON. Yes, sir.

Mr. WALSH. Were you a member of, or were you a delegate of anybody that sponsored the Fair Play for Cuba Committee?

Mr. NELSON. No, sir.

Mr. WALSH. You never participated in any activity of the Fair Play for Cuba Committee?

(The witness conferred with his counsel.)

Mr. NELSON. This is hard for me to remember all these things. I can't understand the pertinency.

Mr. WALSH. This was in December of 1960 and the Fair Play for Cuba Committee was quite prominent, and still is, and has been investigated. Now, that should refresh your recollection as to your participation.

Mr. NELSON. Can you rephrase the question again? What I did in Cuba?

Mr. WALSH. And with whom you went?

Mr. NELSON. I went to Fort Lauderdale to visit my mother.

Mr. WALSH. I am talking about Cuba.

Mr. NELSON. This was a trip to visit my mother in Fort Lauderdale. After visiting with my mother, I traveled to Cuba.

Mr. WALSH. With whom?

Mr. NELSON. All by myself.

Mr. WALSH. Did you meet anybody over there whom you previously knew in Cuba?

Mr. NELSON. I met one person, yes.

Mr. WALSH. Who?

Mr. NELSON. John Gilman.

Mr. WALSH. Where is John Gilman located?

Mr. NELSON. In Milwaukee.

Mr. WALSH. What is the address?

Mr. NELSON. I do not know.

Mr. WALSH. When is the last time you saw John Gilman?

Mr. NELSON. A week ago, maybe.

Mr. WALSH. Is John Gilman a member of the Fair Play for Cuba Committee?

Mr. NELSON. I don't know.

Mr. WALSH. Is John Gilman a member of the Communist Party?

Mr. NELSON. I don't know.

Mr. WALSH. Did he ever speak to you about joining the Communist Party?

Mr. NELSON. No, never.

Mr. WALSH. What does John Gilman work at?

Mr. NELSON. He is a businessman in the linoleum business.

Mr. WALSH. Now, you deny you are a member of the Fair Play for Cuba Committee?

Mr. NELSON. Yes, sir.

Mr. WALSH. Why did you hesitate before when I asked you the question with reference to the Fair Play for Cuba Committee? You said you could not remember. If you want to be frank with the committee, I want you to be. I am giving you every opportunity to do so.

Mr. NELSON. The only question that comes to my mind at this point is that I was at the Unitarian Church where there was discussion of Cuba, and I was thinking, could this have any relevance to the Fair

Play for Cuba Committee? Right now I don't see how it could have. That is what was going on in my mind.

Mr. WALSH. Where was this Unitarian Church?

Mr. NELSON. Milwaukee.

Mr. WALSH. Was it prior to the time you went to Cuba that you heard this discussion?

Mr. NELSON. After.

Mr. WALSH. Did you speak at this meeting?

Mr. NELSON. Yes.

Mr. WALSH. Were you offered as an expert on Cuba when you came back from Cuba?

Mr. NELSON. No, sir.

Mr. WALSH. Did you ever have in your possession a film which is put out by the Fair Play for Cuba Committee?

Mr. NELSON. Yes, sir, I showed this film at a private meeting one time.

Mr. WALSH. Did you purchase the film yourself?

Mr. NELSON. No, sir.

Mr. WALSH. Who gave it to you?

Mr. NELSON. Fair Play offered it.

Mr. WALSH. Who in Fair Play?

Mr. NELSON. I can't remember their names.

Mr. WALSH. Give me the circumstances under which you obtained the film which you claim was put out by the Fair Play for Cuba Committee.

Mr. NELSON. A number of my friends asked what my impressions of Cuba were. I said, well, there are lots of viewpoints. I understood that there was this film that the Fair Play for Cuba Committee made, and I was interested in seeing it for myself. So I contacted the Fair Play for Cuba Committee.

Mr. WALSH. With whom did you speak?

Mr. NELSON. I just can't remember the names.

Mr. WALSH. Did they give you the film without any receipt?

Mr. NELSON. That is right.

Mr. WALSH. Did you have to pay for the hiring of the film when you showed it in public?

Mr. NELSON. Well, there was a collection, and the money went to them.

Mr. WALSH. In other words, after you showed the film at the place where you did show it, you collected money and gave it to the Fair Play for Cuba Committee?

Mr. NELSON. Well, it was a very small sum.

Mr. WALSH. I am not talking about the sum. But you did collect money?

Mr. NELSON. Yes.

Mr. WALSH. Where did you show the film?

Mr. NELSON. At Turner Hall.

Mr. WALSH. Turner Hall where?

Mr. NELSON. Milwaukee.

Mr. WALSH. What is the address of it?

Mr. NELSON. I don't know.

Mr. WALSH. How did you advertise that the film was going to be shown at Turner Hall?

Mr. NELSON. I just sent notices out to a number of friends.

Mr. WALSH. Have you a mailing list of these friends?

Mr. NELSON. Well, I have my address book. They are my personal friends. A number of strangers came.

Mr. WALSH. Have you ever been solicited to become a member of the Communist Party?

Mr. NELSON. No, sir.

Mr. WALSH. How about the Labor Youth League?

Mr. NELSON. No, sir.

Mr. SCHERER. You asked if he had ever been solicited. I think it should be shown on the record if he has ever been a member of the Communist Party.

Have you ever been a member of the Communist Party?

Mr. NELSON. No, sir.

Mr. WALSH. Now, you are absolutely sure of one thing, however, that during the month of September or prior thereto, you did not give permission to anyone to use your post office box No. 433 in Milwaukee, to any individual?

Mr. NELSON. No.

Mr. WALSH. Had you written a letter to anybody prior thereto, 7 months ago, giving them written permission?

Mr. NELSON. No, sir.

Mr. WALSH. It was just a word of mouth between you and Bjorklund?

Mr. NELSON. Yes.

Mr. WALSH. That he may use this on one specific affair?

Mr. NELSON. Yes, sir. I made it very specific at that time that I would only allow this for this Roosevelt speech.

Mr. WALSH. Bjorklund never got in touch with you after this one throw-away to tell you that he was also using this post office box?

Mr. NELSON. No.

Mr. WALSH. He was the chairman of the Wisconsin Committee for Constitutional Freedom. You knew that, didn't you?

Mr. NELSON. Yes. I think I said that.

Mr. WALSH. Do you know any of the current officers of the Wisconsin Committee for Constitutional Freedom?

Mr. NELSON. No, sir.

Mr. WALSH. You never attended any meeting of the Wisconsin Committee for Constitutional Freedom?

Mr. NELSON. Yes, sir.

Mr. WALSH. When?

Mr. NELSON. There was a meeting with Frank Wilkinson and Carl Braden and Willard Uphaus.

Mr. WALSH. When?

Mr. NELSON. Shortly before Frank Wilkinson went to prison. I am not clear on the date.

Mr. WALSH. Did they take up a contribution at that particular meeting?

Mr. NELSON. Yes, sir.

Mr. WALSH. Did you contribute?

Mr. NELSON. No, sir, I did not contribute that time.

Mr. WALSH. I think that is all, Mr. Chairman.

Mr. TUCK. Mr. Bruce?

Mr. BRUCE. On your trip to Cuba, did you at any time meet with any governmental representatives of the present Cuban Government?

Mr. NELSON. No, sir.

Mr. BRUCE. At no time?

Mr. NELSON. No.

Mr. BRUCE. You mentioned a moment ago in answer to the question as to whether you had contributed, you said no, not this time. On other occasions?

Mr. NELSON. I contributed to the Roosevelt speech. When that was being distributed I did contribute money for that distribution.

Mr. BRUCE. The distribution?

Mr. NELSON. To pay for this brochure which contained the Roosevelt speech.

Mr. SCHERER. You mean the Roosevelt speech suggesting abolition of the House Committee on Un-American Activities?

Mr. NELSON. Yes, sir.

Mr. BRUCE. Did you feel, on the basis of what has been revealed here, that perhaps your friend Bjorklund took advantage of your friendship?

Mr. NELSON. Well, I am not going to accuse him of that. I still consider him a friend. I think there has been a miscarriage of justice, as far as I am concerned, connected with this since I consider myself as having no connection with the National Assembly.

Mr. BRUCE. I can understand that being the case from your viewpoint, why you would feel a measure of resentment. The point I am making, however, is—what publication did that box number appear in?

Mr. WALSH. That Sunday Worker of September 17, 1961.

Mr. BRUCE. Did you have any idea how your box number appeared in the Communist publication?

Mr. NELSON. The only idea I have is that they must have picked up somehow this brochure which had my box number on it and felt this must have been the address of the Wisconsin Committee.

Mr. BRUCE. Would you feel that the Communist Party has done you a disservice by publishing your box number without authorization?

Mr. NELSON. Yes, sir. There was no authorization on my part to do such a thing.

Mr. BRUCE. Does not this kind of outrage you?

Mr. NELSON. Yes, sir.

Mr. WALSH. Did you receive any replies with reference to application to go on the trip to New York to attend the rally?

Mr. NELSON. No, sir.

Mr. WALSH. You did not receive one response from the ad or the newspaper story that they could contact the committee through your post office box 433?

Mr. NELSON. No, not one response.

Mr. WALSH. Did Mr. Bjorklund ask you whether you had ever received any responses in your box?

Mr. NELSON. Yes.

Mr. WALSH. When?

Mr. NELSON. He will ask when he sees me, every 2 or 3 weeks, if I have any mail.

Mr. WALSH. How long ago was the first time he asked you after the 17th of September?

Mr. NELSON. After the 17th of September?

Mr. WALSH. That is when it appeared in the Sunday Worker.

Mr. NELSON. I think he asked me sometime late in September.

Mr. WALSH. Approximately what date?

Mr. NELSON. Probably, it must have been some weekend.

Mr. WALSH. It was prior to the 23d?

Mr. NELSON. Probably the last week of the month.

Mr. WALSH. Prior to September 23d because that is the time when the rally was held at New York.

Mr. NELSON. I can't remember. I do not remember his calling me, except just a week ago, and then he mentioned something about, have I had any mail recently. I said "No."

Mr. WALSH. You stated a few moments ago that this was the first time today that you knew that post office box was in the Sunday Worker.

Mr. NELSON. He is talking to me about the Roosevelt distribution which I got mail from. You are talking about the ad in the Worker.

Mr. WALSH. I asked you about the response you got from the ad appearing in the Sunday Worker, September 17.

Mr. NELSON. I have not received any mail whatsoever the last month.

Mr. WALSH. With reference to the Un-American Activities Committee or anything, in regard to this matter?

Mr. BRUCE. Did you authorize anyone else to pick up mail from your box?

Mr. NELSON. Well, I have in the past, but nobody has done that in the last year.

Mr. BRUCE. Did you authorize Bjorklund to have access to your post office box?

Mr. NELSON. No, sir.

(At this point Mr. Scherer left the hearing room.)

Mr. BRUCE. Just for clarification, I am not sure I got the answer correctly—you did not know until just today that your box number had appeared in this Communist publication?

Mr. NELSON. Yes, sir.

Mr. BRUCE. You did know?

Mr. NELSON. I mean I did not know.

Mr. BRUCE. I would simply like to say that I personally have a mixed emotion here. I have seen good, innocent citizens trapped by the Communist operation because for one reason or another they get caught in a web of doing a little favor for a friend or something like that. It certainly is one of the greatest crimes of the Communist operation that they, by using a box number without authorization, can on the surface appear to tie a person to their operation. I am not saying this is a fact in this case. I am simply saying we have known this to happen before. It is one of their great crimes that they do often.

Mr. SPEISER. Thank you, Mr. Chairman.

(Whereupon, at 4:35 o'clock p.m., Tuesday, October 3, 1961, the executive session was concluded.)

(Members present at conclusion of the hearing: Representatives Tuck, Bruce, Schadeberg.)

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[1] Incorrectly spelled Arnatoff.

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